

Tuesday, 28 October 2008

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(10.00 am)

(Proceedings delayed)

(10.17 am)

(In the absence of the jury)

SIR MICHAEL WRIGHT: Mr Hilliard, Mr Horwell, I understand that yesterday evening there was an incident at the gates of the Oval when a photographer, as I understand it, is believed to have attempted to take a photograph of an anonymised witness or witnesses, either arriving at or leaving the premises.

I wish to make it clear yet again that any attempt, any attempt to breach the order that I have made to protect the anonymity of the anonymised witnesses is a contempt of court and that any such attempt is likely to result in serious consequences both for the photographer and his editor. I wish to remind yet again those who are engaged in journalism that that is the position.

Having made enquiries about the circumstances of yesterday's incident, I have come to the conclusion that I need take no further steps in respect of that individual, but the warning remains.

Now, I think as far as any other steps to try to prevent it happening, I need to be a little careful,

1 because what happened as I understand it happened
2 outside the precincts of the court.

3 MR HORWELL: It did, sir. Thank you for that guidance in
4 relation to this particular individual, and the police
5 will obviously follow that through, and indicate there
6 will be no further action to the cameraman.

7 In future, barriers will be put to the side of the
8 witness entrance gate, and if any photographer attempts
9 to move himself around that barrier to get nearer the
10 gate to photograph what can only be an attempt to
11 photograph whoever is inside the van, the police on what
12 you have said will regard that as a contempt of court
13 and take the necessary action. We all hope that with
14 something as obvious as a barrier, no photographer will
15 attempt to do this again.

16 SIR MICHAEL WRIGHT: Well, that I have to leave, I think, to
17 the discretion of the chief officers of the police.

18 MR HORWELL: Of course.

19 SIR MICHAEL WRIGHT: As I say, I am hesitant, as it were, to
20 say anything as to what may or may not be done in my
21 name outside the precincts of the court, and I must
22 leave it to you and those instructing you to decide what
23 steps can be taken, but I have made the position very
24 clear: any further attempt is likely to be attended by
25 serious consequences.

1 MR HORWELL: Sir, thank you.

2 SIR MICHAEL WRIGHT: Thank you very much. Yes,
3 Mr Mansfield.

4 MR MANSFIELD: We have the inserts.

5 SIR MICHAEL WRIGHT: Certainly.

6 MR MANSFIELD: I will just hand them out now.

7 SIR MICHAEL WRIGHT: 30 and 31?

8 MR MANSFIELD: Yes. I think it should be tab 62.

9 SIR MICHAEL WRIGHT: Yes, 62 it is. (Pause)

10 (10.23 am)

11 (In the presence of the jury)

12 SIR MICHAEL WRIGHT: Good morning, ladies and gentlemen.

13 Sorry to keep you waiting. Yes, can we get the witness
14 in, please?

15 MR HILLIARD: Please.

16 CODENAME "C2" (continued)

17 SIR MICHAEL WRIGHT: Yes.

18 Questions from MR HILLIARD (continued)

19 MR HILLIARD: We are just handing a document out, that's
20 what's going on at the minute, and then we will pick up
21 again where we left off.

22 A. Okay, sir.

23 Q. When we broke off yesterday, we were just about to come
24 to the briefing which began at 7.45, all right, on the
25 22nd, in the morning. Just to help you pick up the

1 thread again. That was a briefing given by Trojan 84;
2 is that right?

3 A. Yes, sir, that's right.

4 Q. What you have recorded is this: that in the briefing he
5 said that you should trust the information coming from
6 1600, that's room 1600 at New Scotland Yard; correct?

7 A. Yes, sir, that's correct.

8 Q. And that you might use unusual tactics:

9 "Also that we might be asked to do something we had
10 not done before."

11 He said that there was a suspect called
12 Hussain Osman, and gave his date of birth, and said:

13 "... he was believed to be located at
14 21 Scotia Road, SW2."

15 Do you remember him saying those things, that you
16 have recorded there, to you in this 7.45 briefing?

17 A. Yes, sir, I do.

18 Q. Can you help us, what did you understand by that, about
19 trusting the information from room 1600, unusual tactics
20 and so on?

21 A. First of all, in relation to trusting the information,
22 I was aware of the fact that the control room would be
23 in receipt of far more information than I did, and there
24 might not be time to question what they were telling us,
25 and that this also applied to the surveillance team.

1 In regard to unusual tactics and something that we
2 had not done before, I took this to mean tactics in
3 relation to suicide terrorists and the delivery of
4 a critical shot.

5 Q. Right. Now, were you also told that Trojan 80,
6 Mr Esposito, was located in room 1600 at New Scotland
7 Yard with a designated senior officer; and were you also
8 told that you had been allocated an Anti-Terrorist
9 Branch Silver Commander, we know that was Mr Purser?
10 Were you told those things?

11 A. Yes, sir, I was.

12 Q. What did the fact that there was going to be
13 a designated senior officer mean to you, if anything?
14 Can you help us, please?

15 A. Again, in relation to the tactics for dealing with
16 suicide terrorists, then that person would dictate and
17 if necessary may authorise the use of a critical shot.

18 Q. In the course of this briefing by Trojan 84, was
19 anything said about whether or not there was any urgency
20 in the deployment?

21 A. At that stage, no, there was no urgency, sir.

22 Q. Did you then leave Leman Street and go to
23 Nightingale Lane?

24 A. Yes, sir.

25 Q. As you understood it, were you going to be given another

- 1 briefing there by Mr Purser, the Silver?
- 2 A. Yes, sir, I knew that.
- 3 Q. Can you help us, you have obviously had the briefing at
- 4 Lemman Street and then you are going to get another
- 5 briefing at Nightingale Lane; I mean, was that something
- 6 that happened often, that you would have two briefings
- 7 like that, or was that unusual?
- 8 A. No, that was pretty normal, sir.
- 9 Q. Right.
- 10 A. Most information would come at the main briefing but
- 11 often we would have some beforehand.
- 12 Q. A sort of preliminary briefing first of all?
- 13 A. Yes, sir.
- 14 Q. All right. This briefing, we know, lasted from 8.45
- 15 until 9.15. Again, I am just going to deal with you,
- 16 please, with the notes that you made, all right, as to
- 17 what was said. Did you indicate that the briefing began
- 18 with a history, you say, of the recent bombings,
- 19 starting with the 7 July bombs?
- 20 A. Yes, sir.
- 21 Q. Did Mr Purser tell you that previous bombs had
- 22 contained, and you were given the initials HMTD, you
- 23 were told a highly volatile home-made explosive?
- 24 A. Yes, sir, I understood that to mean hexamethylene
- 25 triperoxide diamine.

- 1 Q. Were you told that a vehicle had been recovered with
2 a quantity of explosives in it, and you have described
3 it, a viable firearm?
- 4 A. Yes, sir.
- 5 Q. Meaning, what, a firearm that could be used as such?
- 6 A. From that, sir, I took that it was a firearm that had
7 been converted so that it could actually fire.
- 8 Q. Right. This is all in relation, is it, to the 7th?
- 9 A. Yes, sir.
- 10 Q. You have a note, I think:
- 11 "These devices could be initiated by bringing
12 together of two wires."
- 13 Were you told that?
- 14 A. Yes, sir, I was.
- 15 Q. Then were you told about recovered documents leading to
16 suspect Hussain Osman and suspect Abdi Omar?
- 17 A. Yes, sir.
- 18 Q. Were you given an address for Mr Omar of Portnall Road,
19 as you recall it?
- 20 A. Yes, sir, I was.
- 21 Q. And told that his vehicle, Mr Omar's vehicle, was in
22 Scotia Road?
- 23 A. Yes, sir.
- 24 Q. Were you told, as you recalled it, that the vehicle had
25 been seen in Cumbria as part of Operation Ragstone?

- 1 A. Yes, sir.
- 2 Q. Then you say:
- 3 "... other suspects and vehicles had been
4 mentioned."
- 5 A. Yes, sir, that's true.
- 6 Q. Can you help us, what do you mean by that?
- 7 A. There were other persons involved in Operation Ragstone,
8 but I have not recorded the details of those.
- 9 Q. I see, but you were given information about that, and
10 you didn't put down the detail of that when you made the
11 statement?
- 12 A. That's correct, sir, yes.
- 13 Q. Then you describe being shown two photographs of
14 Mr Osman and Mr Omar; is that right?
- 15 A. Yes, sir.
- 16 Q. Then you say this:
- 17 "It was stated by Silver that these males were
18 prepared, deadly and determined suicide bombers and
19 described as 'up for it'."
- 20 Yes?
- 21 A. Yes, sir.
- 22 Q. The phrase "up for it", as you recall it, was that
23 a phrase, do you think, that was actually used?
- 24 A. Yes, sir.
- 25 Q. But whether or not those were the precise words, nobody

- 1 disagrees, so you understand, about the effect of what
2 you were told, all right?
- 3 A. Yes, sir, I understand.
- 4 Q. Were you told that some people had left the address,
5 would this be Scotia Road?
- 6 A. Yes, sir.
- 7 Q. And had been eliminated from the inquiry; were you told
8 that?
- 9 A. Yes, sir, I was.
- 10 Q. Have you recorded that Trojan 84 said that anybody else
11 leaving the premises would not be allowed to run, and
12 would be intercepted away from the address to avoid
13 a compromise?
- 14 A. Yes, sir.
- 15 Q. Then have you recorded something about the bus route?
- 16 A. Yes, the bus route outside the premises had been
17 suspended, sir.
- 18 Q. Who do you think told you that?
- 19 A. It was either Silver or 84, I can't remember exactly.
- 20 Q. All right, but 84 was also there during this second
21 briefing, the main briefing; is that right?
- 22 A. That's right, sir, yes.
- 23 Q. Then have you recorded that Silver also confirmed that
24 the devices could be concealed about the body and
25 triggered easily?

- 1 A. Yes, sir.
- 2 Q. Were you told it was thought that the more recent
3 bombings had been engineered to cause greater
4 casualties; would that be a reference to the ones the
5 day before that hadn't in fact gone completely off?
- 6 A. Yes, sir, there it was in relation to the timing.
7 I believe on 7/7 the explosions happened at rush hour,
8 and much more densely packed trains and buses, and those
9 nearest to the blast absorbed most of the injuries.
- 10 Q. Right. Did Mr Purser tell you, according to your
11 record, that Mr Osman and Mr Omar were thought to be in
12 21 Scotia Road?
- 13 A. Yes, sir.
- 14 Q. Then you have made in your note, you have said this:
15 "With reference to the more recent bombings the
16 placing of devices was later than rush hour and this was
17 because it was believed it would cause more widespread
18 damage."
- 19 So that's the point you have just explained to us,
20 isn't it?
- 21 A. Yes, sir.
- 22 Q. Have you recorded being told that they could have been
23 initiated by light bulbs?
- 24 A. Yes, sir.
- 25 Q. Have you said that there was also mention of nail bombs?

- 1 A. Yes, I have.
- 2 Q. So did you record in that passage of your
3 notes/statement that we have gone through what you could
4 recall the next day of that briefing?
- 5 A. Yes, sir, I did.
- 6 Q. We have heard about this as well, but I think you have
7 made a note, and we know this happened, did you say
8 this:
- 9 "At 9.15 I received relevant warnings from Silver
10 regarding law and guidance on the use of force."
- 11 A. Yes, sir.
- 12 Q. Was that about the sort of circumstances in which you
13 could use force, the law that related to that? We have
14 seen it some time ago. Is that what it was?
- 15 A. Yes, sir, it was.
- 16 Q. Did you then go with the other occupants off in your
17 vehicle?
- 18 A. Yes, sir, I did.
- 19 Q. Where did you go to?
- 20 A. The TA Centre in Upper Tulse Hill.
- 21 Q. By this time, just to go on a stage, had you been told
22 by this stage that there was any urgency about the
23 deployment, that you remember?
- 24 A. No, sir.
- 25 Q. Did you get to the TA Centre?

1 A. I did, sir.

2 SIR MICHAEL WRIGHT: Which car were you in?

3 A. The silver Mercedes, sir.

4 SIR MICHAEL WRIGHT: I know, what was its codename?

5 A. 805 Alpha, sir.

6 SIR MICHAEL WRIGHT: You were the leading car?

7 A. I was the leading car.

8 MR HILLIARD: Did you go on the journey, just so far as the
9 cars were concerned, we have heard about leaving being
10 staggered, but were you within sight of any other
11 vehicle, as it were, either in front or behind?

12 A. It was staggered, sir, but mine was the lead vehicle.
13 We were the advance party.

14 Q. You are the ahead vehicle and no-one overtakes you. You
15 get there first?

16 A. Yes, sir.

17 Q. Do you remember anybody arriving shortly after you or
18 after you when you got there?

19 A. Yes, sir, over the next few minutes, several cars
20 arrived. I was the first. I believe Charlie was the
21 second. The control car was probably the third, and
22 another car subsequently arrived with the exception of
23 Delta.

24 Q. So you think four cars, do I have that right?

25 A. There was another -- there was a rifle car as well, sir.

- 1 I am not certain when they arrived.
- 2 Q. So far as you were concerned, when you got to the
3 TA Centre, did you put your covert body armour on?
- 4 A. Yes, sir.
- 5 Q. Did you have a baseball cap with a chequered band round
6 it?
- 7 A. Yes, sir, I did, and at that stage it was in my pocket.
- 8 Q. Did you have with you the carbine, the Heckler and Koch
9 carbine, 636 carbine?
- 10 A. That's actually a typing error, sir. It should read
11 "G36".
- 12 Q. Thank you. Did you have that with you?
- 13 A. Yes, sir, I did.
- 14 Q. What, in the vehicle?
- 15 A. It was in the vehicle in the footwell, sir.
- 16 Q. We mentioned yesterday some photographs, because there
17 was just a request about this, and now is a good time
18 just to hand those out. We are grateful for these being
19 taken. We are a bit short of copies. (Handed)
- 20 If I just hang on to one of them, and I'll pass this
21 round so everybody can see it. If we give it to Tom, we
22 will all be able to see it. (Handed)
- 23 One will come to you, and we will give one to Tom.
- 24 A. Thank you, sir.
- 25 Q. So they can go under the camera. Sir, I suggest we

1 don't put these in a divider. We will keep those loose.

2 So Charlie 2, that's -- you are obviously very
3 familiar with it, but that's the Glock handgun; correct?

4 A. Yes, sir.

5 Q. Is that a torch?

6 A. It is, sir, it's a tactical torch for the pistol.

7 Q. Just under the barrel, that's what the attachment is
8 there, is that right?

9 A. Yes, sir.

10 Q. That's fine. If we can look at the other picture,
11 please, in the album. Is that the Heckler and Koch
12 G36 -- do I have that right -- carbine?

13 A. No, it's an MP5 suppressed carbine.

14 Q. That's not what you had in the footwell?

15 A. No, sir.

16 Q. Right. I think we heard that Charlie 12 had got one of
17 those, I dare say that's why it's been photographed.

18 Just tell us while we are looking at it, what does
19 "suppressed" mean?

20 A. Reduction in noise, sir. For a quieter shot.

21 Q. Then we will not look at that one. Thank you very much.

22 So you have got your Glock in the holster on your
23 waistband and the carbine in the footwell of your
24 vehicle; correct?

25 A. Yes, sir, that's correct.

1 Q. And your cap in a pocket or something of that sort?

2 A. Yes, sir.

3 Q. Right. You have set out, those of us who have your
4 statement, the top of the third page, the typed page,
5 what your state of mind was there. All right? I am
6 just going to read it because I think in fairness to you
7 we should deal with this. What you said was this:

8 "At this stage I believed that it was very likely
9 that I would be asked [to] intercept deadly and
10 determined terrorist suicide bombers. These bombers
11 were willing to take their own lives, ours, and members
12 of the public."

13 Yes?

14 A. Yes, sir.

15 Q. Is that an accurate reflection of your state of mind at
16 that time?

17 A. Absolutely, sir. I have been in the firearms unit for
18 a large number of years now, and we had never faced
19 a threat like that. It occurred to me that it was very
20 likely sooner or later that we were going to have to
21 confront these people, and that, if it all went wrong,
22 then the consequences were huge, and for me it did occur
23 to me that I might not go home that day if it went
24 wrong.

25 Q. So we understand, by "if it went wrong", does it follow,

- 1 do you mean that if a suicide bomber had managed to
2 explode a device and the police had not been able to
3 prevent that?
- 4 A. Absolutely, sir, yes.
- 5 Q. At the TA Centre, you record in your statement:
6 "We were on standby in our vehicles..."
- 7 A. Yes, sir.
- 8 Q. So you are all now in the vehicles, ready to go; is that
9 right?
- 10 A. Yes, sir. Prior to that, I haven't mentioned, as the
11 advance party, I actually spoke to the caretaker
12 initially, who allowed us in.
- 13 Q. Yes?
- 14 A. And that, we were also -- I then joined my colleagues in
15 the vehicle, and we were on standby listening to the
16 radio. I also subsequently spoke to that caretaker with
17 my boss, Trojan 84.
- 18 Q. Right. So you have had a couple of conversations with
19 the caretaker of the TA Centre?
- 20 A. Yes, sir.
- 21 Q. What you are saying is those aren't in your statement
22 but you had had those conversations?
- 23 A. That's right, sir, yes.
- 24 Q. Did you hear over the radio that surveillance officers
25 had followed someone away from the address?

- 1 A. Yes, sir.
- 2 Q. What did you hear said about that person?
- 3 A. That he was a good likeness for the subject called --
- 4 I have put here "Omar", that was a mistake on my part.
- 5 Q. Right?
- 6 A. I believe they used the codename Nettle Tip. It's just
- 7 an error that I put that in there.
- 8 Q. If we just pause, then. You think the codename that was
- 9 used was Nettle Tip?
- 10 A. Yes, sir.
- 11 Q. But, as you know, you are probably clear now, that
- 12 Nettle Tip, that was the code for Hussain Osman, wasn't
- 13 it?
- 14 A. I understood that, sir, yes.
- 15 Q. So if we go back, you heard that he was a good likeness,
- 16 now, you have said for the subject called Omar but you
- 17 think -- what would they say, Osman or Nettle Tip?
- 18 A. I think, sir, at the time they were using the codenames,
- 19 so it would have been Nettle Tip and for some reason,
- 20 it's my mistake, which I accept, I have entered "Omar"
- 21 in my statement.
- 22 Q. What else did you record that you heard?
- 23 A. He was described as a light skin North African male,
- 24 stocky, 5-foot 10, with stubble. He was wearing blue
- 25 denim jacket and blue jeans.

- 1 Q. A short while later, did you hear something else about
2 the suspect over the radio?
- 3 A. Yes, that he had boarded a number 2 bus, the
4 registration LJ03 MXL.
- 5 Q. When you hear that, are you still on standby at the
6 TA Centre?
- 7 A. Yes, sir.
- 8 Q. Did you then get some instructions from Trojan 84?
- 9 A. Yes, sir. He gave instructions to get behind the bus
10 and the surveillance team who were by at this time at
11 the bottom of Tulse Hill nearing Brixton High Street.
- 12 Q. So we understand, does "get behind" mean that, as it
13 were, so don't overtake the surveillance team?
- 14 A. Yes, sir. I took that to mean we were at green, state
15 green, and that's exactly what it means.
- 16 Q. Right, so you wouldn't begin to move through them or
17 anything of that sort on that instruction?
- 18 A. Absolutely not, sir, no.
- 19 Q. All right. So did your vehicle set off?
- 20 A. Yes, sir. My vehicle led the other covert armed
21 response vehicles, as we call the cars, towards Brixton.
- 22 Q. So you start and the others behind you; is that right?
- 23 A. Yes, sir.
- 24 Q. So we understand, at this stage of an operation, would
25 there be any question of staggered departures now or

1 would you all go together?

2 A. No, sir, we would go together.

3 SIR MICHAEL WRIGHT: Except, as it happened, Delta, who

4 hadn't turned up?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Did you know over the radio what had

7 happened to him?

8 A. No, sir. I guessed that he probably or that car

9 probably didn't make it, but I knew there were at least

10 four vehicles with me, and that was enough for us to

11 continue.

12 SIR MICHAEL WRIGHT: Right.

13 MR HILLIARD: Over the radio, did you understand that the

14 bus and the surveillance team had carried on into

15 Stockwell Road?

16 A. Yes, sir.

17 Q. Did you eventually catch up?

18 A. Yes, sir. Although I should add here that we were still

19 at green, so we caught up with the rear surveillance

20 follow somewhat earlier than that, but as the traffic

21 got heavy, we got closer and closer to the bus, which is

22 what I have indicated there.

23 Q. So when did you catch up with the bus?

24 A. Stationary, just north of the junction with

25 Clapham Road.

- 1 Q. Can you help us --
- 2 SIR MICHAEL WRIGHT: You were in the Stockwell Road?
- 3 A. I was in Stockwell Road, sir, and we were in traffic and
4 behind the surveillance team.
- 5 MR HILLIARD: Right.
- 6 Now, the reference in your notes to the
7 South Lambeth Road, can you just help about that?
- 8 A. In relation to the bus.
- 9 Q. Yes?
- 10 A. It was in South Lambeth Road, stationary, in heavy
11 traffic, directly outside the NatWest Bank.
- 12 Q. Right. So that's precisely, as it were, where the bus
13 is?
- 14 A. Yes, sir.
- 15 Q. Could you see that that was the number 2 bus with the
16 registration that you caught earlier?
- 17 A. Yes, sir, and that's why I have recorded in that way,
18 that was the time that I could say that was definitely
19 the bus.
- 20 Q. That is the bus?
- 21 A. The bus. I mean, prior to that, I could see a number of
22 buses in the distance, but it was only when it was at
23 that stage I could say that was the bus in question.
- 24 Q. Right. Had you passed on any information about the bus?
- 25 A. Yes, sir. Charlie 12 had called me. I realised that

1 his car was not in the follow and I gave him an update,
2 and this was prior to that location(?) we have just
3 mentioned.

4 Q. Had you heard anything about who the person was by this
5 time on the bus?

6 A. I heard over the radio that there were surveillance
7 officers on the bus and I heard them say that "this was
8 definitely our man".

9 Q. Just pause a moment:

10 "... heard them say that 'this was definitely our
11 man'."

12 As you recall it, were those the words that were
13 used?

14 A. Yes, sir.

15 Q. Now, can you remember back, was that one or more than
16 one person saying: this is or was definitely our man.

17 A. It was one person, sir, as I recall.

18 Q. One person. Anything else that you heard over the radio
19 about the man?

20 A. I heard over the radio that he was nervous, acting
21 strangely and that he was standing up on the stairs and
22 very twitchy.

23 Q. Who was saying that, if not the precise person, what
24 sort of person do you understand --

25 A. I assumed that would have been a surveillance officer

- 1 but I couldn't say.
- 2 Q. Whereabouts were you by this time, then, in your
3 vehicle, if we have got -- the bus, do I have this
4 right, is outside the NatWest Bank held in traffic?
- 5 A. Yes, sir, it was, and we were just the other side of the
6 junction from it.
- 7 Q. Right.
- 8 A. In Stockwell Road.
- 9 Q. Right. Now, you say in your document:
10 "We held at the junction at the other side of the
11 junction from where the bus was."
- 12 That's what you have just been telling us?
- 13 A. Yes, sir.
- 14 Q. What I just want to know is this: when you say "we held"
15 in that position, do you mean you, as it were,
16 deliberately stayed there where you could have gone
17 forward? Do you understand what I am asking?
- 18 A. I understand, sir. From what I have described of what
19 I heard over the radio, I was anticipating that we might
20 be deployed, but I wasn't sure what was going to happen,
21 so we held where we could see the bus at that stage.
- 22 Q. Does that mean you take a deliberate decision not to go
23 forward?
- 24 A. It's a very difficult situation, sir. Although we were
25 at green, I anticipated that we may well be deployed, so

1 we wanted to be as close as we could for when that order
2 came --

3 SIR MICHAEL WRIGHT: I think what Mr Hilliard is really
4 after is whether you were forced to stay where you were
5 because the traffic wouldn't let you go any further or
6 did you actually decide to stay there?

7 A. As it happened, sir, the weight of traffic suited that,
8 and I remember we did pop out the traffic, advance past
9 the car 2 and stop back in, and as it occurred the
10 lights were red, so it suited our purpose.

11 SIR MICHAEL WRIGHT: Very well. So it was a bit of both,
12 really?

13 A. Yes, sir, absolutely.

14 MR HILLIARD: You have just mentioned that, and we might as
15 well look at that on the film, because there is another
16 question I want to ask you about that.

17 A. Yes, sir.

18 Q. Have you seen this film before?

19 A. I have, sir, yes.

20 Q. So it's not just a question of looking at it three years
21 later. We will get to the bit when we can see the cars
22 in traffic, and then ...

23 (Video footage shown)

24 Pause there. That's the line of traffic, all right?

25 A. Yes, sir.

- 1 Q. You can see there is a vehicle that's going to come out
2 and go back in again?
- 3 A. Yes, sir.
- 4 Q. When you have seen this before, so as not, as it were,
5 to take you by surprise now, were you able to identify
6 that as your vehicle? Did you remember the movement?
- 7 A. I remember the move, I remember the manoeuvre, but
8 I can't read the index number, but I am almost certain
9 that was me, sir, yes.
- 10 Q. That's very helpful. So that would be you as the lead
11 car, so we understand?
- 12 A. Yes, sir.
- 13 Q. Would the others be, can you even remember, directly
14 behind you or the very next car behind or how --
- 15 A. It was a mixture, sir. I believe there was one car
16 really close to us and others within a car or two but
17 fairly close.
- 18 Q. All right. If we can just see the manoeuvre. (Pause)
19 So your vehicle is coming out and then pulls back in
20 and there is a vehicle behind, can you see, trying the
21 same thing, I don't know what happens to that.
- 22 A. Yes.
- 23 SIR MICHAEL WRIGHT: I don't suppose you know whether that
24 was one of yours?
- 25 A. I am almost certain that was, sir.

1 MR HILLIARD: If we can just pause. You have come out and
2 you have gone back in.

3 A. Yes, sir.

4 Q. You have, as it were, gained one car's position or
5 whatever it is. Was there any reason why you didn't
6 come up the other side of the road?

7 A. Absolutely, sir, because we were still at green, what
8 I had heard on the bus, I anticipated that we would be
9 called to intercept, but it had never happened, so we
10 just wanted to get as close as we possibly could without
11 compromising the operation, and then be in a position to
12 deploy.

13 SIR MICHAEL WRIGHT: So as long as you are at green, you
14 don't want to attract too much attention to yourself?

15 A. No, sir, and to be honest it's a balancing act. We are
16 at green; we are still covert. However, we need to be
17 as close as we can because we anticipate that we may be
18 deployed.

19 SIR MICHAEL WRIGHT: It had occurred to me that the
20 manoeuvre we see on that video, you might have made
21 yourself a bit unpopular.

22 A. Yes, sir. That's the name of the game, unfortunately,
23 sir, yes.

24 MR HILLIARD: So we understand, that, because people may be
25 wondering why, as it were, you have pulled out and

1 gained a car's length and not come up, do you see what
2 I mean, being --

3 SIR MICHAEL WRIGHT: Do you mean on the wrong side of the
4 island?

5 MR HILLIARD: Absolutely, but the reason for that is what,
6 because you are still at green and to some extent you
7 are trying, obviously as much as you can, you are trying
8 to stay covert; is that right?

9 A. Yes, sir. At any stage had we been given amber, then we
10 would have just gone the wrong side of the road.

11 Q. You would have done that if you had been given amber?

12 A. Yes, sir.

13 Q. That explains that. Thank you very much.

14 Now, did you hear more about the suspect over the
15 radio?

16 A. I heard over the radio that he had left the bus and he
17 walked towards the tube station and went in the main
18 entrance.

19 Q. Pause a moment. Did you hear anything over the radio
20 about any question of S012 offering to intervene at this
21 stage or any individual member of S012 offering to do
22 that?

23 A. No, sir, I didn't.

24 Q. Did you ever in fact hear state red called?

25 A. No, sir, I didn't. If I could explain.

- 1 Q. Yes?
- 2 A. I mean, I'm going ahead now, but after I heard the
3 command, "Stop him getting on the tube" --
- 4 Q. Let us deal with that next --
- 5 A. If it goes in sequence, sir.
- 6 Q. Yes. So you have heard over the radio that he has left
7 the bus, walked towards the tube station and into the
8 main entrance?
- 9 A. Yes, sir.
- 10 Q. What did you do then with your vehicle?
- 11 A. As the car commander, sir, I anticipated that we may be
12 called to amber, so I ordered the driver to move into
13 Binfield Road, which is alongside Stockwell tube
14 station.
- 15 Q. Were you able to get there by staying on the sort of
16 correct side of the road or --
- 17 A. In actual fact, sir, we managed to do that, yes.
- 18 Q. You have given that instruction as the car commander.
19 Did the driver do that, take you into Binfield Road?
- 20 A. Yes, sir, he did.
- 21 Q. What did you then hear over the radio?
- 22 A. If I could explain, sir, you asked me about a state red.
23 At that stage, in anticipation that we may be deployed,
24 I didn't want to take my G36, so I secured it. So
25 that's what I was doing at that stage.

- 1 Q. That's the carbine; is that right?
- 2 A. Yes, sir.
- 3 Q. So when you say -- anyway that's not coming with you?
- 4 A. That's not coming with me, sir.
- 5 Q. All right. So we have got you in Binfield Road, having
6 secured your carbine because you think if you are
7 deployed, you are not going to take it with you?
- 8 A. Yeah, my reasoning for that, sir, is I didn't know what
9 situation I was going into, and I needed to remain
10 covert for as long as possible.
- 11 Q. Just to spell it out, obviously, if you have just the
12 Glock on your waistband, no doubt concealed, it is
13 easier to do than the carbine?
- 14 A. Yes, sir, and for the same reason with regard to my
15 police cap, I kept that in my pocket.
- 16 Q. Right, thank you. Did you hear anything else then over
17 the radio?
- 18 A. Yes, I heard, "Stop him getting on the tube, he must not
19 get on the tube". I believe this was a relayed
20 instruction from the DSO, and that this suspect was
21 a suicide bomber who had entered the tube in order to
22 blow up a train.
- 23 Q. All right, if we just pause there. Can you remember now
24 or did you know at the time who was actually speaking
25 that instruction, "Stop him from getting on the tube, he

- 1 must not get on to the tube"?
- 2 A. It was Trojan 84.
- 3 Q. You have explained that you thought that was a relayed
4 instruction from the DSO?
- 5 A. Yes, sir.
- 6 Q. Can you just help us, what made you think that?
- 7 A. Because I believe at that stage a suspect had been
8 positively identified and as such, that would be the
9 role of the DSO to order that stop or that interception.
- 10 Q. Right. You thought that the suspect, you say, was
11 a suicide bomber, so identified as someone from the day
12 before; correct?
- 13 A. I believe he had been positively identified as
14 Hussain Osman at that stage, sir.
- 15 Q. Then you have recorded that:
16 "... suicide bomber who had entered the tube in
17 order to blow up a train."
- 18 A. Yes, sir, here I was anticipating the consequences, the
19 worst case scenario of allowing Hussain Osman, who had
20 the day previously attempted to commit mass murder, so
21 the consequences of allowing him on to the tube network
22 again.
- 23 Q. Did you believe at this time, then, you say you believed
24 that this suspect was a suicide bomber who had entered
25 the tube in order to blow up a train; did you believe at

1 this time then that he had a bomb with him at this
2 point?

3 A. I didn't know whether he had or he hadn't, but I believe
4 that it was certainly a distinct possibility.

5 Q. I just want to just understand this from you. You say:

6 "I believed that this was a relayed instruction
7 [this is to stop him from getting on the tube] from the
8 DSO and that this suspect was a suicide bomber who had
9 entered the tube in order to blow up a train."

10 Are you saying that that does accurately reflect
11 your state of mind at this time or not quite?

12 A. It does, sir. But what I am saying there is I am
13 anticipating the possible consequences of allowing
14 Hussain Osman or Nettle Tip back on to the tube network
15 and the worst case would be that he had entered the tube
16 system to blow up a train.

17 Q. Did you believe that if you didn't stop him, that is
18 what he was going to do?

19 A. Very likely, sir.

20 Q. I have been asking you about whether you had ever heard
21 state red called.

22 A. I didn't, because as soon as I heard that command then
23 I exited the vehicle and ran towards the tube station.

24 Q. Right. What about state amber, ever hear anything said
25 about that?

- 1 A. It was never said, sir, no.
- 2 Q. What did you do, then, at that point, when you had heard
3 that instruction?
- 4 A. At that point, I got out of the vehicle and, as I have
5 already explained, I have left my G36K and the grenade
6 box behind, although I had one still on me, and I ran
7 towards the entrance.
- 8 SIR MICHAEL WRIGHT: You had one grenade, did you?
- 9 A. Yes, sir.
- 10 SIR MICHAEL WRIGHT: Yes.
- 11 MR HILLIARD: At this point, when you are going towards the
12 station, did you have it in your mind what you were
13 going to do if you came into contact with the suspect?
- 14 A. No, sir, I had no preconceived idea or notion of what
15 was going to happen or what action I was going to take.
- 16 Q. At this time, as you understood it, had you been given
17 any authority by the designated senior officer to take
18 a critical shot?
- 19 A. No, sir.
- 20 Q. You ran towards the entrance?
- 21 A. Yes, sir.
- 22 Q. Did you see another firearms officer at that point?
- 23 A. Yeah, running towards me I saw C12. I gained eye
24 contact with him, and we both entered the tube station.
25 It was a relief to see C12 at this stage because I knew

- 1 that his car had been outside of the loop, as it were,
2 the follow, and seeing him there reassured me that all
3 of the cars were present for this deployment.
- 4 Q. Although you are coming from different directions, we
5 have seen the film, we will not look at it with you, but
6 you both make your way into the station; is that
7 correct?
- 8 A. That's correct, sir, yes.
- 9 SIR MICHAEL WRIGHT: How close behind him were you?
- 10 A. Very close. I recall that we got to the entrance at the
11 same time and I went towards the left, the barrier on
12 the left, and I believe we kind of crossed arcs(?) and
13 he went one -- in the middle, sir, so very, very close.
- 14 MR HILLIARD: You then ran towards the ticket barriers; is
15 that right?
- 16 A. Yes, sir, I did.
- 17 Q. Go through them or over them?
- 18 A. Over them, sir.
- 19 Q. I think you were challenged by members of staff, is that
20 right, at the station?
- 21 A. Yeah, several members of London Regional Transport
22 staff, sir.
- 23 Q. Did you shout at them?
- 24 A. I shouted, "Armed police, get back".
- 25 Q. We are going to look at some film in a moment, but did

- 1 you then make your way down the escalator?
- 2 A. Yes, sir, I turned immediately left and ran down the
3 escalator following C12 who was just ahead of me at this
4 stage.
- 5 Q. We are just going to look at two small pieces of film.
6 First of all, if we can have CC/3, camera 8, please.
- 7 (Video footage shown)
- 8 We can just see you at the barriers. (Pause). There
9 you are going over, and we will see it more clearly in
10 a minute, but you haven't got your cap on; correct?
- 11 A. That's correct, sir, yes.
- 12 Q. But there we have you going over the barrier as you have
13 indicated.
- 14 A. Yes.
- 15 Q. If we can play that. There we see you, off you are
16 going. If we can look at CC/3, camera 5, if you just
17 pause a moment, you have indicated in your notes or your
18 statement that you ran down the escalator following C12,
19 and like him again, you had not had access, I think, to
20 any of this film, is that right, by the time obviously
21 you made your notes?
- 22 A. No, sir, I hadn't seen that at all at that stage, no.
- 23 Q. I think you thought there might well be film; is that
24 right?
- 25 A. I was convinced that there would be CCTV cameras along

1 the routes in the station and on the train as well.

2 Q. Anyway, that's right, isn't it, what you said in your
3 statement about following him down, correct, there he is
4 and there is you, but just again as you have indicated,
5 you haven't got your cap on and we can see that again
6 there?

7 A. Yes, sir.

8 Q. Thank you very much. Just while we are on that, did you
9 put it on at any stage before the shooting that I am
10 going to ask you about in a moment or two?

11 A. No, sir.

12 Q. Thank you. At the foot of the escalator, did you see a
13 man wearing a baseball cap, and you described a top with
14 red shoulders on it?

15 A. Yes, sir.

16 Q. Did he speak to you?

17 A. Yes, sir. He said, "He's on the northbound tube".

18 Q. Did you infer that that person was a surveillance
19 officer?

20 A. I did, sir, yes.

21 SIR MICHAEL WRIGHT: Remind us, Mr Hilliard, we know who it
22 is, don't we?

23 MR HILLIARD: Malcolm.

24 Now, when you were told, "He's on the northbound
25 tube", right, by Malcolm; correct?

- 1 A. Yes, sir.
- 2 Q. What went through your mind at that point?
- 3 A. I thought by the way that he said it that we had missed
4 him, that the subject had got on to the tube and that he
5 was away.
- 6 Q. What did he do, having said, "He's on the northbound
7 tube"?
- 8 A. He indicated to an archway to my left.
- 9 Q. Did you go into that archway?
- 10 A. I did, sir. I followed C12 into this archway which led
11 to a tube platform.
- 12 Q. We have all seen it many times, but in fairness to you,
13 just to bring it back to mind, it will come up on the
14 screen, divider 31 first of all, and then we will look
15 at the next one. Can you see, view of the platform
16 entrance from the entrance hall?
- 17 A. Yes, sir.
- 18 Q. Is that the archway you are talking about?
- 19 A. Yes, sir, it is.
- 20 Q. Just again, to help you get your bearings, can you see
21 the train is obviously still there when the picture is
22 taken and there is some open double doors?
- 23 A. Yes, sir.
- 24 Q. Just slightly off to the right; yes?
- 25 A. Yes, sir.

- 1 Q. Can we have the next picture on. It's obviously
2 a closer view of the train from that archway. All
3 right?
- 4 A. Yes, sir.
- 5 Q. Thank you. What you have described is following C12
6 into that archway, do I have that right?
- 7 A. Yes, sir.
- 8 Q. Then stationary there is the train that we have seen;
9 correct?
- 10 A. That's correct, sir, yes.
- 11 Q. What could you see on the train at that time?
- 12 A. Standing in the open doorway of a lit carriage was
13 a white male. He was wearing a blue tracksuit top with
14 white stripes.
- 15 Q. What did that person do?
- 16 A. He indicated towards the next door of the carriage,
17 which was to the right of where I was standing.
- 18 Q. What have you done with your gun by this time? Is it
19 just the Glock you have got?
- 20 A. Yes, sir, I had drawn my handgun by this stage. I was
21 aware from training as an instructor that action beats
22 reaction, and I wanted to reduce my response time in
23 case anything did happen.
- 24 Q. So we understand, action beats reaction; what, action is
25 quicker than react --

- 1 A. Yes, sir, and I wanted to reduce my reaction time to
2 anything that may occur.
- 3 Q. So he's indicated to the next open door of the carriage
4 to the right of where you are?
- 5 A. Sir, can I take this opportunity to acknowledge the
6 family, because I am very well aware of what I'm about
7 to describe. This is very distressing for me.
8 I completely respect and understand how difficult it is
9 for them. I would like to say that I am a father, and
10 that if he were my son, I would be utterly devastated
11 and I would just like to offer my condolences before
12 I describe this thing that happened.
- 13 Q. Thank you very much. So what did you do after that
14 indication, as it were, to your right?
- 15 A. I followed C12 towards that second open door.
- 16 Q. Was there anybody at that door?
- 17 A. Yes, sir. Standing in the open door was a white male
18 with a denim jacket and a black cap.
- 19 Q. We have heard from Ivor; do you know now that's who it
20 was?
- 21 A. I know now. I didn't know then, sir.
- 22 Q. Didn't know then?
- 23 A. I didn't know him as Ivor.
- 24 Q. His name. Did you think he was a police surveillance
25 officer?

- 1 A. What caused me to identify him as a surveillance officer
2 was the fact that he placed his foot into the tube
3 doorway to keep it open, and I recognised that as
4 a surveillance technique.
- 5 Q. If we can just have up, please, divider 35 in the
6 bundle. Can you see the first double doors which
7 Mark Whitby is sitting nearest; I think those are the
8 ones you have been able to see from the archway?
- 9 A. Yes, sir.
- 10 Q. You have then gone down, is this right, you and C12, to
11 the next double doors?
- 12 A. Yes, sir.
- 13 Q. There it is, you have seen Ivor standing there; is that
14 right?
- 15 A. That's correct, sir, yes.
- 16 Q. What did Ivor do? He has his foot in the door. Did he
17 do anything else?
- 18 A. Yeah, he turned and pointed at an Asian-looking male who
19 was dressed in jeans and what I have described as
20 a bulky looking denim jacket.
- 21 Q. Was that person sitting, it was Mr de Menezes, wasn't
22 it, sitting, do you see, two in from the glass panel at
23 the side of the row?
- 24 A. Yes, I now know that to be Jean Charles de Menezes and
25 he was sitting in the second seat away from the glass

1 partition by the opposite doorway.

2 Q. Right. You haven't got your cap on, chequered cap, at
3 any stage throughout this?

4 A. No, sir, I haven't.

5 Q. At this stage, had you said anything to identify either
6 yourself or any colleague as being police officers?

7 A. No, sir, other than what had occurred when I originally
8 vaulted the barriers, I had not said anything.

9 Q. Was there any reason for that?

10 A. I believed that he was a suicide bomber. If I shouted,
11 "Armed police" too early, then he would be alert to our
12 presence, possibly he could initiate a device, so at
13 that stage that's my reason --

14 Q. That's the reasoning, right.

15 Did you hear anybody else or had you heard anybody
16 else by this stage say anything to identify either
17 themselves or any colleague as a police officer?

18 A. At that stage, no, sir. I can say that there were
19 shouts during this incident. I can't be specific about
20 who said what and when, but I can tell you that I did
21 shout "Armed police" at a time which I will describe --

22 Q. We are going to come on to that. What I want to know,
23 is by this stage, all right, this is Ivor in the
24 doorway, and he's pointed to Mr de Menezes, I just want
25 to understand things as you recollect them, all right?

- 1 A. Yes, sir.
- 2 Q. I think you are saying you hadn't said anything to
3 identify yourself or any colleague as a police officer
4 by this time?
- 5 A. I had not, sir, no.
- 6 Q. I want to understand, are you saying at this stage that
7 you don't recollect anybody else doing that either, at
8 this stage?
- 9 A. At this stage, sir, but I need to make it clear that
10 there were shouts, and I can't say who said what, when,
11 apart from myself. I can be specific about when
12 I shouted, "Armed police".
- 13 Q. Forgive me, I want to know, are you saying, though, that
14 you can say that by this stage, we will come on to other
15 stages obviously in a moment, but are you saying that by
16 this stage, you cannot recollect any colleague shouting
17 anything to identify themselves?
- 18 A. No, sir, I can't.
- 19 Q. All right. Ivor you have described has, is this right,
20 turned and pointed at Mr de Menezes?
- 21 A. Yes, sir, he has.
- 22 Q. You have explained that he was dressed in jeans and
23 then, just help us, his jacket, you were just saying how
24 that appeared to you at this stage?
- 25 A. When I first saw the subject who I now know as

- 1 Jean Charles, he was sitting down. This incident
2 happened over a very short space of time and the initial
3 impression I got was that the jacket appeared bulky, and
4 that's just on the basis of a fraction of a second
5 glimpse.
- 6 Q. Right. Can you help with whereabouts, was there any
7 place in particular that, as it were, it appeared bulky
8 to you now as you remember it. If you can't say so,
9 then --
- 10 A. I can't be specific. It would be to the lower part of
11 the jacket, sir.
- 12 Q. For obvious reasons at the front presumably?
- 13 A. Front and side, sir.
- 14 Q. Right, front and side. What did he do after he had been
15 pointed to?
- 16 A. He turned and he looked at us, he stood up very quickly,
17 he then advanced towards us with his hands down by his
18 side.
- 19 Q. So he's looked at you first of all?
- 20 A. Yes, sir.
- 21 Q. And then got up?
- 22 A. He stood up very quickly.
- 23 Q. Yes?
- 24 A. And then he advanced towards us with his hands down by
25 his side.

- 1 Q. You say "towards us". Have you got on the train by this
2 stage or not?
- 3 A. I was on the train, sir, yes. "us" would be C12 to my
4 right, the surveillance officer to his right, and me in
5 the left, so we were almost completely blocking that
6 doorway, sir.
- 7 Q. So we understand it, is C12 a bit behind you, ahead of
8 you, level with you?
- 9 A. He's slightly ahead of me, sir.
- 10 Q. Slightly ahead of you. You said that Mr de Menezes had
11 his hands down by his side?
- 12 A. Yes, sir.
- 13 Q. Can you just show us what you meant. Don't move out of
14 the witness box but can you perhaps stand up in the
15 witness box and show us?
- 16 A. Yes, sir, it was like this (indicated).
- 17 Q. Those hands are slightly more at the front, perhaps,
18 than the side?
- 19 A. That's how I recall, sir, I have described it as the
20 side but that's how I recall it (indicated).
- 21 SIR MICHAEL WRIGHT: And with his hands open like that?
- 22 A. I can't remember specifically, sir, I know that
23 I couldn't see his palms at that stage.
- 24 MR HILLIARD: But where you have got them, your hands, if
25 you were describing that today, what would you describe

1 that position as?

2 A. A more detailed description would be by his side just

3 slightly in front of him.

4 SIR MICHAEL WRIGHT: Slightly in front?

5 MR HILLIARD: And "slightly in front of him", did you say?

6 A. Yes, sir.

7 Q. "A more detailed description would be by his side just

8 slightly in front of him."

9 A. Yes, sir.

10 Q. Did you say anything to him at this stage?

11 A. No, sir, I didn't.

12 Q. Do you recall anybody else saying anything to him at

13 this stage?

14 A. Not that I recall, no, sir.

15 Q. What did you do with your gun?

16 A. At this stage I was bringing my gun up with the

17 intention of pointing at the subject's head, sir.

18 Q. Did you see what, if anything, C12 was doing?

19 A. No, sir. I was focusing on the threat in front of me.

20 SIR MICHAEL WRIGHT: You have told us he was slightly in

21 front of you; how were you in relation to him, behind

22 and to the left, behind and to the right?

23 A. I was behind -- very slightly behind and to his left,

24 sir.

25 SIR MICHAEL WRIGHT: Did you see where he had brought his

- 1 gun up from?
- 2 A. No, sir. I was at that stage entirely focused on the
- 3 subject in front of me, so --
- 4 SIR MICHAEL WRIGHT: Did you see C12 raise his gun at all?
- 5 A. No, sir.
- 6 SIR MICHAEL WRIGHT: As far as you were concerned, you
- 7 raised your gun from what position?
- 8 A. As I had approached the train, the gun was down by my
- 9 side so my body would have been between my handgun and
- 10 the tube. As I entered, it was alongside my right-hand
- 11 side. Then when the subject stood up, then I was then
- 12 bringing it up with intention of pointing at him, sir.
- 13 MR HILLIARD: Did you actually manage to bring your gun all
- 14 the way up or not?
- 15 A. Very nearly, sir, but it was at that stage that the
- 16 surveillance officer turned and grabbed the subject and
- 17 pushed him back, and I was -- he had effectively crossed
- 18 my potential line of fire, and I was very aware of
- 19 a blue on blue at that stage, sir.
- 20 Q. What did the surveillance officer do with him when he
- 21 had grabbed him?
- 22 A. He pushed him back towards the seat that he had come
- 23 from originally.
- 24 Q. Did you see how he grabbed him?
- 25 A. I -- he wrapped him -- wrapped his arms around him, sir,

- 1 upper part of his torso.
- 2 Q. Had it been your intention at that time, if you had
3 managed to get your gun up, as it were, fully to issue
4 any kind of a challenge?
- 5 A. Yes, sir. I would have shouted, "Armed police".
- 6 Q. Why?
- 7 A. Because he was a threat to me, sir. I didn't anticipate
8 that he would walk towards us like that. I believed
9 that he was a failed suicide bomber from the day before.
10 I was aware of the distinct possibility that he could
11 have been carrying that improvised explosive device. My
12 initial impression when I saw him in that, his bulky
13 jacket, that could have supported my belief, and when he
14 stood up and closed me down, he was a threat to me and
15 it was my intention at that stage to shout, "Armed
16 police", but at that time I did not have the
17 opportunity.
- 18 Q. You say closed you down; how close, can you help us, did
19 he get to you?
- 20 A. It's difficult to be specific, sir, because what I am
21 describing happened over a very few seconds. He got
22 very close is how I could describe it, sir.
- 23 Q. A foot away, three feet away, can you help at all?
- 24 A. Again, sir, I can't be specific but other than to say
25 that the surveillance officer had stepped in before he

1 had actually got to me, if you understand.

2 Q. All right. You describe in your notes, your statement,
3 the surveillance officer you say:

4 "... turned and grabbed the male and pushed him back
5 towards the seat."

6 A. Yes, sir.

7 Q. Then you describe your state of mind, don't you, at that
8 point?

9 A. Yes, sir. At that point, I was convinced this male was
10 a suicide bomber and that he was about to detonate
11 a bomb and blow us all up.

12 Q. You go on. Can you just give us the passage that just
13 explains how you felt?

14 A. I had an honestly held belief that unless I acted
15 immediately that I and other persons present were about
16 to die. I formed the opinion that my only option was to
17 shoot this male in the head and kill him instantly to
18 prevent any detonation.

19 Q. Right. Now, can you remember, had you heard any kind of
20 challenge before the surveillance officer grabbed
21 Mr de Menezes and put him back in the seat, as you
22 described it?

23 A. As I have tried to explain earlier, sir, there were
24 shouts during this incident. I can only be certain as
25 to when I shouted, "Armed police", so in answer to your

- 1 question, no, I can't remember.
- 2 Q. What did you do?
- 3 A. I ran forward, I reached over the top of the
4 surveillance officer, and I pushed him down. I shouted,
5 "Armed police", and I held my handgun to the head of the
6 subject and I fired.
- 7 Q. Can you help us, what was the purpose of shouting,
8 "Armed police", you shouting it at that stage?
- 9 A. Two reasons, sir. It was mainly out of habit because
10 that's what we would normally do. I realised at that
11 stage that it was very late on and I thought that what
12 the public on the train were about to witness, they
13 should understand that we were police officers.
- 14 Q. But is this right, even though you shouted that, you
15 shouted that at a time when it was your intention to
16 shoot him?
- 17 A. Yes, sir. I had judged him to be a threat then, when
18 I shouted, "Armed police", this was just before I fired.
- 19 Q. Right. Did you hold your gun to his head?
- 20 A. Yes, sir, I did.
- 21 Q. Do you know how many shots you fired?
- 22 A. No, sir.
- 23 Q. More than one?
- 24 A. Yes, sir.
- 25 Q. We will hear evidence in due course that six shots were

- 1 fired from your gun, all right?
- 2 A. Yes, sir.
- 3 Q. Have you actually any recollection now beyond saying,
- 4 have I got it right, that it was more than one?
- 5 A. It was more than one, sir.
- 6 Q. But the actual number you couldn't help with?
- 7 A. No, sir, I couldn't.
- 8 Q. Can you help as to why you had held your gun so close?
- 9 A. I was this close, sir, because I didn't want to shoot
- 10 the surveillance officer. He was between me and the
- 11 subject. I knew C12 was there. I knew that there were
- 12 members of the public present on the tube, and I just
- 13 could not afford to miss, and that's why I got so close.
- 14 Q. Were you aware of C12 and where he was?
- 15 A. I knew he was to my right, sir.
- 16 Q. Is this right, you say in your notes:
- 17 "I was aware of C12 to my right..."
- 18 Is that right, were you conscious of him there?
- 19 A. I knew he was there, sir, but I couldn't see what he was
- 20 doing.
- 21 Q. Right. Could you hear the sound of other shots being
- 22 fired?
- 23 A. I could, sir, but I should say that this was after I had
- 24 fired.
- 25 Q. Right, but did you realise that they were not coming

1 from your gun, just to make it plain?

2 A. Yes, sir.

3 Q. I think there was some kind of stoppage, is this right,
4 with your gun which you had to clear?

5 A. Yes, sir. I had a stove pipe stoppage, sir.

6 SIR MICHAEL WRIGHT: I think you will have to explain that.

7 A. This type of weapon is a -- what's described as a short
8 recall operated. What that means, is that the power of
9 a bullet firing has an equal and opposite reaction. The
10 weapon harnesses that in the operation of the slide.
11 The slide is a thing on top --

12 SIR MICHAEL WRIGHT: It reloads it automatically, does it?

13 A. Yes, sir, the slide is on the top of the weapon and
14 after you fired that would enable you to -- the weapon
15 to eject an empty cartridge and feed a live one into the
16 chamber.

17 SIR MICHAEL WRIGHT: That's all done automatically?

18 A. That's all done automatically, sir, and there are
19 a number of reasons why the weapon may malfunction, and
20 I can explain that.

21 MR HILLIARD: I don't think we --

22 SIR MICHAEL WRIGHT: It didn't work on this occasion; is
23 that right?

24 A. It didn't work, sir, no.

25 MR HILLIARD: Did you clear the stoppage?

- 1 A. Yes, sir. The important thing here is to remain calm,
2 so I had to stop, tap the magazine, make sure it was
3 seated properly, look at the slide, identify the
4 problem, pull it sharply to the rear, get rid of the
5 problem, as it were, and feed another live round.
- 6 SIR MICHAEL WRIGHT: So you actually reload the gun
7 manually?
- 8 A. Yes, sir, I cleared the stoppage manually and then
9 I carried on firing.
- 10 SIR MICHAEL WRIGHT: You actually have to slide the slide
11 yourself by hand?
- 12 A. Yes, sir, because of the fact it had malfunctioned.
- 13 SIR MICHAEL WRIGHT: Thank you.
- 14 MR HILLIARD: So you fire, you have to clear the gun at some
15 point, and then you said you carry on firing?
- 16 A. Yes, sir.
- 17 Q. Can you help us with when in the sequence the stoppage
18 occurred or not?
- 19 A. No, sir, I can't remember after what -- after which shot
20 this occurred. But it was early, early on in the
21 sequence, which was over in a very short space of time.
- 22 Q. If, as I anticipate, we will hear that your gun was
23 fired six times --
- 24 A. Sir.
- 25 Q. -- can you just explain why you fired six shots?

- 1 A. At the time I fired, I believed that I and everybody
2 else was about to die. From my position, I knew that --
3 sorry, sir, I must mention this is not pleasant, what
4 I am describing -- I couldn't access the brain stem,
5 I couldn't be certain that I could achieve instant
6 incapacitation with one shot. So I had to make sure
7 that life was extinct. Also, the fact that I had
8 a stoppage, I wasn't certain that, if I had lost any
9 rounds in that process.
- 10 Q. Right. So did you carry on firing until you were
11 satisfied that he was in no position to detonate
12 anything?
- 13 A. Yes, sir, I did.
- 14 Q. What did you do after that?
- 15 A. I shouted, "Move back", and I ran out of the doorway,
16 sir.
- 17 Q. You shouted, "Move back" to whom?
- 18 A. This was for the benefit of the public that were on the
19 train, sir.
- 20 Q. You then ran out of the doorway --
- 21 SIR MICHAEL WRIGHT: That might, I suppose, be a convenient
22 moment.
- 23 MR HILLIARD: Yes, certainly, we can pick it up after the
24 break.
- 25 SIR MICHAEL WRIGHT: One question, please, C2.

- 1 his jacket is open. Yes? So 59, if we are looking at
2 that, forget what's on the screen at the moment. Bottom
3 left, that's him on the bus, on the graphic?
- 4 A. Yes, sir.
- 5 Q. His jacket is obviously open, isn't it?
- 6 A. Yes, sir.
- 7 Q. Then bottom right on the graphic and now helpfully on
8 the screen, that's Mr de Menezes, isn't it, coming round
9 the sort of approach to the escalators once he is in at
10 the station?
- 11 A. Yes, sir, I can see that.
- 12 Q. Again you can see, can't you, at that point that his
13 jacket is obviously open, isn't it?
- 14 A. Yes, sir.
- 15 Q. Can I have that back? Now, you were saying, I think,
16 that when you saw him sitting down on the tube, his
17 jacket looked bulky; do you remember?
- 18 A. Yes, sir.
- 19 Q. I think you said looked bulky, is this right, at the
20 front and at the side?
- 21 A. Yes, sir, that's correct.
- 22 Q. Just so I understand, was that both sides or one side?
- 23 A. It -- I can't be certain, sir. We are talking about, it
24 was the briefest view, the first glimpse that I had.
25 I can't be more specific, really.

- 1 Q. Did it look open to you at the front?
- 2 A. I can't remember, sir. I really can't remember.
- 3 Q. You have explained to us, just before we broke off, do
4 you remember, that after firing your gun, you had
5 shouted, "Move back", and you had then run out of the
6 doorway of the train?
- 7 A. Yes, sir.
- 8 Q. In addition to shouting, "Move back", did you do
9 anything?
- 10 A. Yes, sir. I remember reaching out to pull someone back,
11 as I was convinced that the subject or the suspect had
12 a bomb.
- 13 Q. So you pulled, was that a policeman or a member of the
14 general public, can you remember?
- 15 A. A member of the public, sir.
- 16 Q. What were you doing, pulling them away from the train,
17 off the train?
- 18 A. Off the train, sir.
- 19 Q. Where did you go when you had got off the train?
- 20 A. I evacuated around the corner to the original arch.
21 This is the one that I had entered the platform from.
- 22 Q. The one that we looked at on the picture earlier?
- 23 A. Yes, sir, that's correct.
- 24 Q. What did you do when you got there?
- 25 A. I then put on my police cap. I noticed that I had blood

1 on my handgun, on my hands, my arms, my face and all
2 over my clothes.

3 Q. Were you joined by other officers?

4 A. Yes, sir, I was joined by C12. I remember then that --
5 I remember he was concerned for me because of the amount
6 of blood that I had on me, and likewise he was in
7 a similar condition. So we -- I was not certain why
8 there was so much blood, sir, and so we checked each
9 other to make sure we were okay.

10 Q. Then a short time after that, were you taken out of the
11 station and to Lemay Street police station?

12 A. Yes, sir.

13 Q. Did you go there with C or Charlie 12?

14 A. Yes, sir, I did.

15 Q. Had you spoken to anybody, to any other police officer
16 in the station about what had happened and why it had
17 happened, can you remember?

18 A. At the arch, Ralph also joined us and he basically --

19 Q. He is the black team leader?

20 A. He is the black team leader and he checked on our
21 welfare. I know I spoke to Trojan 84 but I can't be
22 specific as to where that was. It would have probably
23 been around about then that I did so.

24 Q. Did you speak to either of them about what had happened
25 and why, just explaining what you had done?

- 1 A. I can't recall that. At the time I was in shock.
2 I would have -- it would be normal for me to explain to
3 84, and I must have done so, but I can't remember how
4 that happened or exactly what I said.
- 5 Q. Did you then go into something we have heard about, PIP
6 or post-incident procedures?
- 7 A. Yes, sir, I did.
- 8 Q. Are those fairly laid down set of things that have to
9 happen, so your clothing will be taken, the weapon will
10 obviously be taken, be seen by a doctor and that kind of
11 thing?
- 12 A. Yes, sir, although I should mention in this case because
13 of the state we were in, permission was sought earlier
14 on that we should have a shower and all our clothing was
15 then evidence at that stage.
- 16 Q. Just looking at your statement, you have described your
17 feelings after the incident; correct?
- 18 A. Yes, sir.
- 19 Q. Can you just explain those for us, please?
- 20 A. After the incident I felt relieved that I had prevented
21 my colleagues, the public and myself from getting killed
22 by this male, who I believed was about to blow himself
23 up.
- 24 Q. In due course, did you learn that the man you had shot
25 wasn't a suicide bomber at all but was an entirely

1 innocent man, Mr de Menezes?

2 A. Yes, sir, I was told that on midday, Saturday the 23rd,
3 which was 26 hours afterwards.

4 Q. How did you feel when you learned that?

5 A. This is something, it's very hard to explain. I was
6 deeply shocked. I just couldn't believe it. This was
7 against everything that I had ever trained for. As
8 a firearms instructor and as an SFO, I knew that it's
9 an individual officer's decision to fire a weapon and it
10 was my responsibility and I killed an innocent man. And
11 I think about that every day.

12 Q. Right. Now, you told us you began your notes, is this
13 right, at 2.57 on the Saturday, so in the -- just before
14 3 o'clock on Saturday afternoon?

15 A. Yes, sir.

16 Q. Did you make those at all with Charlie 12? Can you just
17 explain? Or are you in complete isolation when you make
18 them or talking to other people? Just help us with how
19 it comes about.

20 A. We followed the procedure as it was at the time, and all
21 of the firearms officers were present. As I remember,
22 we started with a roomful of people and at the end it
23 was just Charlie 12 and myself. We did confer over
24 certain matters such as timings and locations, but we
25 then wrote our own individual accounts of what had

- 1 happened.
- 2 Q. Leaving aside timings and locations, will the two of you
- 3 have discussed the sequence of events before you
- 4 actually start writing your account?
- 5 A. To a certain extent, yes, sir, although we were
- 6 completely apart for the majority of this operation, so
- 7 our accounts are very different.
- 8 Q. Right. I just want to ask you, please, telephone calls,
- 9 all right; there are, I think, five calls. I am not
- 10 going to look at the schedule. 9.27, 9.40, 9.42, 9.47,
- 11 and 9.54. All right? So between 9.27 and 9.54 I think
- 12 there are five calls on your phone to Ralph?
- 13 A. Yes, sir.
- 14 Q. If I get any of these wrong I will be corrected later,
- 15 but I think 46 seconds, 24, 16, 21 and 37. Enough
- 16 detail, that is, for us to get the picture.
- 17 Can you help us now as to what those would have been
- 18 about? So between 9.27 and 9.54, calls from you to
- 19 Ralph?
- 20 A. I can say for certain the first call I made would have
- 21 been to Ralph to tell him that we had arrived at the
- 22 TA Centre, and that we had obtained permission to go in.
- 23 Q. So if that's 9.27 in that sequence, does that sound
- 24 about right?
- 25 A. Yes, sir.

- 1 Q. The briefings ending at 9.15?
- 2 A. Yeah, the distance from Nightingale Lane to the
3 TA Centre is in the region of two miles and that would
4 be right, and we arrived before 9.27 on the basis of
5 that record, sir.
- 6 Q. That's very helpful, so that gives us a sort of time for
7 you in the lead car arriving at the TA Centre, does that
8 sound right, 9.27?
- 9 A. Yes, sir, that would be right.
- 10 Q. Then the other ones, the 9.42, 47, 54, those calls from
11 you to Ralph, any idea now what they would have been
12 about?
- 13 A. I can't remember specifically, sir, although the earlier
14 calls, Ralph was not with us and I was keen to make sure
15 that he knew about the fact that the surveillance team
16 were following someone, and it was basically updating
17 him on that, sir.
- 18 Q. Then lastly this: is this right, that as a police
19 officer before this incident, I don't think -- tell me
20 if I am right -- you had ever fired your gun at
21 a suspect?
- 22 A. No, sir, I had not, that's correct.
- 23 MR HILLIARD: Thank you very much.
- 24 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.
- 25 Before you do, one thing I was wondering about.

1 Going back to when you were driving up the
2 Stockwell Road and getting close to Stockwell station,
3 there are one or two of the transmissions that we have
4 heard about from other officers that you didn't hear.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: The one particularly sticks in my mind
7 is you didn't hear that SO12 were offering to do the
8 stop themselves.

9 A. Yeah, that's correct, sir, I didn't hear that.

10 SIR MICHAEL WRIGHT: Could you comment, what do you say
11 about the state of the communications?

12 A. The Cougar radio is intermittent. I would say that
13 because I was in the lead car for the most part of this
14 operation, we were very close to the surveillance team
15 and the communications were okay, but there was a gap
16 when we caught up from the TA Centre to the follow,
17 where the communications weren't as good but for the
18 most part it was fairly good.

19 SIR MICHAEL WRIGHT: If you were asked for an explanation as
20 to why you didn't hear the SO12 communication, if I have
21 understood you correctly, it could hardly have been that
22 you weren't paying attention; would you put it down to
23 a radio failure?

24 A. It could be a radio failure. It might have been that
25 I was focused on anything else, but I don't recall and

1 I haven't put it in my statement, sir.

2 SIR MICHAEL WRIGHT: The fact that you didn't hear state red
3 called, as I understand it, is because you think you
4 were probably out of the car before it was actually
5 called?

6 A. That was certainly the case, sir, yes.

7 SIR MICHAEL WRIGHT: Very well.

8 Yes, Mr Mansfield.

9 Questions from MR MANSFIELD

10 MR MANSFIELD: Good morning, my name is Michael Mansfield.

11 I represent the family of Jean Charles de Menezes.

12 A. Sir.

13 Q. If I may, I'm going to take those questions up that have
14 just been asked. Before I do, before you came into the
15 witness box, did you either listen to or read the
16 evidence that your fellow officer gave yesterday?

17 A. Yes, sir, I did.

18 Q. You did. I want to ask you very carefully: have you
19 been influenced by what he said in what you have said
20 today?

21 A. Absolutely not, no, sir.

22 Q. No possibility of that?

23 A. No, sir.

24 Q. Even to the adoption of phrases that he used in evidence
25 that do not appear in your statement?

- 1 A. No, sir.
- 2 Q. Before we get to dealing with the sequence of events
3 that led to the shooting in the tube station, can I just
4 deal with a slightly earlier section, as I did with your
5 fellow officer. I want to take up the position at
6 Stockwell where the communications were good as far as
7 you are concerned. All right?
- 8 A. Yes, sir.
- 9 Q. Unless you want to change that. Were the
10 communications, as you approached Stockwell tube
11 station, good or not?
- 12 A. They were good, sir.
- 13 Q. Thank you. Were you paying attention?
- 14 A. Yes, sir, I was.
- 15 Q. Would you take the jury bundle. It will be number 1,
16 I think in your case. It's down by the side of the
17 witness box. It's in a white file. The jury have it.
18 It's tab 22 I want to deal with, and I'm going to
19 obviously ask for a bit of compilation as well here.
- 20 Tab 22, it's 34D. You can follow it on the screen
21 instead if you haven't got a hard copy.
- 22 This shows the approach along which you were
23 travelling obviously on the day with a line of cars
24 coming into the junction; is that right?
- 25 A. Yes, sir.

- 1 Q. Are you familiar with this area?
- 2 A. Not in particular --
- 3 Q. No.
- 4 A. -- sir.
- 5 Q. Not an area you had served in before?
- 6 A. No, sir.
- 7 Q. If you turn over, you will see a shot from that
8 junction, so the cameraman's crossed to the other side
9 of the road, and as it happens, there is a number 2 bus
10 going across the junction. So at this point you are
11 behind, as it were, the cyclist further back down the
12 road in terms of position, do you follow?
- 13 A. Can you be specific, sir, of when you are talking about?
- 14 SIR MICHAEL WRIGHT: This is 34E, is it?
- 15 MR MANSFIELD: Yes, if you go back to 34D, you are coming
16 down that road, approaching Stockwell tube station.
- 17 A. Yes, sir.
- 18 Q. Then over the page, 34E, the cameraman is now in the
19 Stockwell Road, in other words looking across the
20 junction where the number 2 bus is going to park, or
21 rather stop, outside the NatWest Bank. Are you
22 following?
- 23 A. I am following, sir, although I should say that by the
24 look of that photograph, the cameraman is on the
25 pavement and I was in the outside lane at that stage.

1 Q. Yes, I appreciate, it's just to get the feeling, because
2 I want to ask you about obviously positions and what you
3 heard.

4 Now, if you look at the next one, 34F, there the
5 cameraman has come back across the road to the Stockwell
6 tube side and is looking at the bus or a bus, a number 2
7 bus, coming across the junction, looking back up the
8 Stockwell Road, do you see, where you were?

9 A. Yes, sir.

10 Q. Now, that's the junction and those are the shots of it.
11 The communications, by the time you got to that area,
12 were good. So can we just look at the position? You
13 may look at your statement. Could we have that on
14 screen, please, page 349. If we look two-thirds of the
15 way down the page, you deal with a passage where you
16 heard over the radio that there were surveillance
17 officers on the bus; do you see that?

18 A. Yes, sir.

19 Q. It's because you have written this, you needn't have put
20 it this way, but you have put it this way; how did you
21 ascertain there were surveillance officers in the plural
22 on the bus?

23 A. Because of the commentary, sir, could only have come
24 from someone who was near to the subject.

25 Q. Yes, of course, but you have put "officers on the bus".

- 1 Is that just a slip and you meant "an officer on the
2 bus"?
- 3 A. From my knowledge of surveillance operations, there
4 could have been one or more officers on that bus,
5 I couldn't say the number.
- 6 Q. You see, there is quite a number of matters I'm afraid
7 in this statement I want to ask you about, how you
8 arrived at various conclusions. Why have you put:
9 "I heard over the radio that there were surveillance
10 officers on the bus..."
11 "officers" in the plural.
- 12 A. Because, sir, it could have been an officer or more than
13 one, that would be normal.
- 14 Q. Yes, it would. One appreciates that. The evidence that
15 the jury have heard is that there was one officer at
16 this stage on the bus. So that's an assumption by you,
17 that it was officers on the bus, is it?
- 18 A. It could have been one or it could have been more than
19 one, sir.
- 20 Q. All right. But what you have put in the statement,
21 "I heard them say", you see that?
- 22 A. Yes, sir.
- 23 Q. Did you hear more than one officer on the bus say
24 anything?
- 25 A. It could have been one or more officers on the bus.

1 Only one person would talk at any one time.

2 Q. Why have you put "them"? Is it again an assumption, as
3 it were, because I'm going to suggest even today you are
4 not telling the truth about what you heard that day and
5 what you saw that day. Now, do you follow me?

6 A. I follow, but I do not agree, sir, I have never been
7 more brutally honest in my life.

8 Q. I see. What it comes to at the moment is that you
9 assumed that it was more than one saying anything on the
10 bus; is that right?

11 A. No, sir.

12 Q. So it's just one person on the bus saying this?

13 A. No, sir, it could be one, it could be more than one.

14 SIR MICHAEL WRIGHT: I think you still haven't answered
15 Mr Mansfield's original question. It was: did you hear
16 or think you heard only one voice or more?

17 A. At any one time, sir, there would only be one voice
18 speaking. I did not know how many officers or officer
19 were on the bus, I couldn't say for sure. But I knew
20 they were on there, or an individual was on there.

21 SIR MICHAEL WRIGHT: Very well.

22 MR MANSFIELD: Now, what you say you heard them say, one or
23 more of them say, "This was definitely our man". And
24 you have put it in quotes, as if to make it even more
25 accurate, truthful and so forth.

1 Is that what you heard?

2 A. Yes, sir.

3 Q. You are quite sure about that?

4 A. Yes, sir.

5 Q. There can be no mistake, it wasn't, "It might be the
6 person", or "I think it's him", or something along those
7 lines?

8 A. I heard, "This was definitely our man".

9 Q. I suggest in the clearest terms that was and is a lie.
10 You did not hear that. Now, please think about it. We
11 have heard from the man who was on the bus at this
12 stage.

13 A. I am not lying, sir. That is what I heard.

14 Q. Have you read his evidence?

15 A. Who are we talking about, sir?

16 Q. Well, do you know who the officer was? And there has
17 been no issue in this inquest as to who it was.

18 A. No, sir.

19 Q. You don't know who was on the bus?

20 A. No, sir.

21 Q. You haven't read what he has told this jury about this
22 very sentence, then, have you?

23 A. No, sir.

24 Q. He says, because I put it to him, this particular
25 section, only a few days ago, and he said he never used

1 words like this. I ask you again, could you have made
2 a mistake at the very least?

3 A. No, sir, that's what I heard.

4 Q. Now, if you heard that at the stage that you were -- we
5 will just go over the rest of it: nervous, acting
6 strangely; I put all this to him but I'm just going over
7 it for the moment.

8 "We held at the junction..."

9 Do you see that's the next sentence. You have been
10 asked about this. You are at the junction that we have
11 just seen in the photographs when you hear that; is that
12 correct?

13 A. Yes, sir.

14 Q. I am going to pause for a moment. Were you aware as you
15 were held at the junction that almost next to you in the
16 same line of traffic but on the nearside lane was
17 another police car?

18 A. No, sir.

19 Q. A police car containing S013?

20 A. No, sir.

21 Q. A police car that in fact had left Nightingale Lane,
22 driven up the Clapham High Street to get to Stockwell
23 station, and I will give you the full route so you
24 follow it, turned right at Stockwell station into the
25 Stockwell Road, past the bus, done a U-turn and come up

- 1 behind it; most of that journey with its blues and twos
2 on, if you follow me.
- 3 A. I follow, sir.
- 4 Q. Did you know about any of that?
- 5 A. No, sir.
- 6 Q. You never saw a car coming in the opposite direction to
7 you heading the convoy up the Stockwell Road towards the
8 bus; you never saw a police car -- well, a car
9 containing police officers with sirens sounding and so
10 on, coming in the opposite direction?
- 11 A. No, sir, I didn't.
- 12 Q. How much attention were you really paying that day to
13 what was going on?
- 14 A. I was paying attention, sir, and I didn't see that car.
- 15 Q. Just to go back in the history of that car, having left
16 Nightingale Lane, it left Nightingale Lane because of
17 what are said to have been early transmissions over the
18 Cougar radio. Now, I want to ask you carefully: you
19 know Ralph, don't you?
- 20 A. Yes, sir.
- 21 Q. Did you ever hear at the very early stages a broadcast
22 that suggested that the person who had left
23 21 Scotia Road was a white IC1 male?
- 24 A. No, sir. The initial description that I got was light
25 skin North African male, stocky, 5-foot 10, with stubble

- 1 and he was wearing a blue denim jacket and blue jeans.
- 2 Q. So the answer is you didn't hear any broadcast that
- 3 suggested that it was a white male IC1 that had left?
- 4 A. No, sir.
- 5 Q. Did you hear any broadcast or transmission that this man
- 6 was of no interest to CO19; did you hear anything like
- 7 that?
- 8 A. No, sir, I didn't.
- 9 Q. It would be of importance, would it not, for you in the
- 10 lead car to know that the person who had left wasn't of
- 11 interest? That would be of importance, wouldn't it?
- 12 A. It would be important, sir, but if I could explain, at
- 13 this stage we were at the TA Centre and some of the time
- 14 I was on standby in the car, and I have recorded what
- 15 I heard over the radio. On two occasions I was in
- 16 speaking to the caretaker or the soldier at the
- 17 TA Centre. So I might not have heard all of those
- 18 transmissions.
- 19 Q. Of course, but did anyone tell you this, did Ralph tell
- 20 you while you were on, as it were, standby at the
- 21 TA Centre --
- 22 A. Ralph had not arrived at the TA Centre until just before
- 23 we moved off, sir.
- 24 Q. Well, did he tell you at any stage, either just before
- 25 you moved off or just after you had moved off, that in

1 fact the person who had left was of no interest?

2 A. No, sir.

3 Q. So you know where this is derived from, he gave evidence
4 at the Health and Safety trial; did you know that?

5 A. Yes, sir, I knew that.

6 Q. You didn't?

7 A. I knew that he gave evidence at the Health and Safety
8 trial, yes, sir.

9 Q. Sorry, but you didn't give evidence?

10 A. I didn't, sir, no.

11 Q. Could we have page 148, please, of his evidence, I just
12 give you the reference for that. It's in October of
13 last year. I have the 15th, page 148. He is being
14 asked a number of questions about the bus, and in fact
15 to put it in context, could we go to the bottom of 147
16 so you have a sequence of questions, and I am obviously
17 going to ask you about this:

18 "Question: Right, let me see if we can get the
19 timing on that."

20 That's the question at the bottom of 147:

21 "The first call is that a white male has left the
22 premises and is on board a bus.

23 "Answer: Yes, my Lord", says Ralph.

24 "Question: Were you told where the bus was?

25 "Answer: We were told that it was a number 2 bus

1 and it was heading towards Marble Arch. That is my
2 recollection, my Lord.

3 "Question: And were you told to do anything about
4 it at that stage?

5 "Answer: No, ma'am. My understanding was that this
6 man was of no concern to us at this stage and was going
7 to be stopped subsequently by officers from the
8 Anti-Terrorist Branch.

9 "Question: And who did you get that understanding
10 from, please?

11 "Answer: I believe it came over the radio as well,
12 my Lord."

13 Now, from what you are saying, you didn't hear any
14 of that over the radio; is that right?

15 A. Yes, sir, that's right.

16 Q. Even if you missed it over the radio, Ralph never told
17 you that the person who he had understood was on the bus
18 wasn't going to be stopped by CO19, but actually there
19 was an arrest team or detention team unarmed,
20 Mr Dingemans as it turns out, off to do that job?

21 A. No, sir, I knew there was an arrest team but I didn't
22 know what they were doing.

23 Q. Just so we can fill in all the gaps here, Ralph doesn't
24 tell you but of course there is TJ84 and there is Silver
25 in the control car; they don't tell you either?

- 1 A. No, sir, they don't.
- 2 Q. The jury have now, and usefully had, as it were,
3 a little plot of cars, so we can now see with greater
4 ease which cars and so on. You are the Alpha car,
5 a Mercedes car, leading the convoy?
- 6 A. Yes, sir, I am.
- 7 Q. Just on this one point alone, you really should have
8 been told or you should have been listening, to know
9 that in fact whilst S019 are actually either about to
10 follow the bus or even about to leave the TA Centre, in
11 fact he's not the subject. You should really know that,
12 shouldn't you?
- 13 A. Sir, we were at state green at that time. We were on
14 a MASTS operation. The level of his identification had
15 not been established in that early stage.
- 16 Q. Well, it had been, you see. Apparently he wasn't
17 Nettle Tip, he wasn't of any interest to S019, that's
18 what Ralph is saying, he's a white male, he's going to
19 be, as it were, looked after by S013; and you knew none
20 of it?
- 21 A. No, sir, I did not know that, but we were placed at
22 state green and we were asked to get behind the
23 surveillance team.
- 24 Q. As far as you are concerned, you were never at state
25 amber and never at state red; is that right?

1 A. We never were told to go to state amber. I have been
2 made aware of the fact that state red was called,
3 although I can say that I was out of my car before that
4 happened.

5 Q. That's why I put the question to you. So far as you are
6 concerned, you were never at state amber and never at
7 state red, as far as you are concerned?

8 A. We were at state red, sir, because of the instruction
9 which was relayed from the DSO, that was state red.

10 Q. Yes, you do follow, I'm talking about you. You were
11 never aware of state red being called, were you?

12 A. As I have explained, sir, the instruction, "Stop him
13 getting on the tube, he must not get on the tube", that
14 was state red.

15 Q. Ah, right, I'll come back to that and how you have put
16 it in your statement.

17 As far as you are concerned, "he must not get on the
18 tube" is equivalent to state red for you. Just going
19 back to S013, could we now have the compilation with the
20 camera that is showing or looking down Stockwell Road
21 from the Binfield Road -- that's it, thank you. If you
22 just bear with it, it swings round in a minute.

23 (Video footage shown)

24 Here we are. Pause there. Thank you. Now, at this
25 stage you are in that queue of traffic in the outside

1 lane coming up to the traffic lights; is that right?

2 A. Yes, sir, that's right.

3 Q. And you are the lead car, the Mercedes, which we have
4 already seen, and I'll ask you to look again, pulling
5 out. Do you see in front of the bus and in front of the
6 cars on the inside lane, nearside, there is a dark car?

7 SIR MICHAEL WRIGHT: You mean the very front one?

8 MR MANSFIELD: The very front one.

9 Do you see that?

10 A. I see that, sir, yes.

11 Q. Now, Mr Dingemans thinks -- all right, thinks -- that
12 was the car he was in; but again you can't help?

13 A. No, sir, I can't.

14 Q. Right. Could we just move on. That still is there.
15 Still is there. Now, that -- pause. The one now
16 pulling out, that's you, is it?

17 A. I believe that is my car, yes, sir.

18 Q. As we see it coming forward, it does appear to be
19 a Mercedes, so if we just go slowly forward. Then it
20 completes a pull-in about now. So if we pause again,
21 sorry to take it slowly, that again shows you pulling up
22 right alongside the dark car that Mr Dingemans thought
23 might have been his.

24 First of all, that does appear to be your car
25 pulling in, doesn't it?

- 1 A. Yes, sir.
- 2 Q. Right. I'm going to ask for it to pause. You don't
3 know anything about the S013 movements or their presence
4 or anything?
- 5 A. I know about their presence, I didn't know their
6 movements. I saw them for the first and the last time
7 of that incident at the briefing, at the end of our
8 briefing.
- 9 Q. I appreciate that. You are in that Mercedes. Do you
10 hear on the communications which are working according
11 to you at this point, any request from the operations
12 room for you -- that is S019 -- to do the stop?
- 13 A. No, sir.
- 14 Q. I want to cover all possibilities. You don't hear it on
15 the Cougar, you don't hear it on the 75 back-to-back and
16 you don't get it on a mobile phone call?
- 17 A. No, sir, I don't.
- 18 Q. So you are completely unaware that the operations room
19 want you and you are nearly in a position right opposite
20 the tube station, aren't you?
- 21 A. If I could explain, sir, we were still at state green.
- 22 Q. Yes?
- 23 A. However, what I had heard over the radio caused me to
24 anticipate that we might be deployed.
- 25 Q. Yes --

1 A. And that's why we got as close as we did.

2 Q. I accept that. For the moment, I am concentrating on
3 how this all went wrong. Do you follow? How it could
4 have gone right.

5 A. I follow, sir, yes.

6 Q. Yes, you do follow.

7 SIR MICHAEL WRIGHT: Can you clarify one question for me,
8 Mr Mansfield?

9 MR MANSFIELD: Yes, certainly.

10 SIR MICHAEL WRIGHT: When you asked, this is what you put to
11 him, he didn't hear any communications from any source,
12 radio, whatever, to do the stop, what about he must
13 not -- he must be stopped?

14 MR MANSFIELD: I am coming to that.

15 SIR MICHAEL WRIGHT: What's puzzling me and might be
16 puzzling the witness --

17 MR MANSFIELD: Sir, if we could kindly wait, I am getting to
18 that.

19 The first stage is much earlier where, according to
20 Cressida Dick, so this is according to Cressida Dick,
21 she wants S019 to do it.

22 SIR MICHAEL WRIGHT: I follow that. I was wondering --

23 MR MANSFIELD: Then, before we ever get to "stop", TJ84
24 saying "stop", there is a lot more to go through,
25 because did you ever hear any communication from TJ80 at

- 1 New Scotland Yard to the S019 convoy either: where on
2 earth are you, where are you or what; words to that
3 effect? Did you ever hear that?
- 4 A. No, sir, I did not.
- 5 Q. Whether it was broadcast over Cougar, back-to-back or
6 a mobile phone call to you, no-one ever said to you,
7 "Where are you?", did they?
- 8 A. No, sir, they didn't.
- 9 Q. At that point, the other vehicle -- leave out C12, he is
10 on the other road -- the other vehicles behind you must
11 have known where you were, mustn't they?
- 12 A. They would have been following me, sir, so I would
13 assume that we were all together or thereabouts at that
14 stage, with the exception of the Delta car, sir.
- 15 Q. With the exception of the Delta car, that's C12, who's
16 come up the other road, Clapham High Street route to
17 this junction. All the rest of you, including the
18 control car which has Silver and TJ84 in it, they all
19 know, must know, where you are. You are further up the
20 convoy approaching the traffic lights. They must have
21 known that, mustn't they?
- 22 A. Yes, sir, you are right.
- 23 Q. So if anybody is fussed at New Scotland Yard about where
24 you all are, they could easily be told that you are
25 right at the junction or very near the junction,

- 1 couldn't they?
- 2 A. Yes, sir.
- 3 Q. If you had been given -- and I know it's hypothetical
- 4 but it's not too ethereal to just visualise -- state red
- 5 at the lights, at the time before he had even got off
- 6 the bus, you could have been across the road and
- 7 stopping him entering the tube station, couldn't you?
- 8 A. Yes, sir, absolutely.
- 9 Q. You were well equipped to deal with an intervention of
- 10 that kind, weren't you?
- 11 A. Yes, sir, I was.
- 12 Q. So you didn't hear this, as it were, communication or
- 13 the result of it from TJ80 through to TJ84, and from the
- 14 questions you have already answered, you didn't hear any
- 15 offer by the surveillance team to do the stop. You
- 16 didn't hear any of that?
- 17 A. No, sir, I didn't hear that particular command, sir.
- 18 Q. In fact did you know where the surveillance team was at
- 19 this point, as you approached the lights?
- 20 A. No, although, sir, it would be right for me to assume
- 21 that they would be following the subject, so they would
- 22 be quite close to where he was at any one time.
- 23 Q. Not only quite close, I want to suggest rather better
- 24 than that, they had got ahead of the subject and at
- 25 least two of them -- and you have seen the compilation,

1 I don't ask to go through it again -- they are into the
2 concourse before the subject; did you know that?

3 A. At the time I didn't know that but I am not surprised
4 that you are telling me that, sir, I would --

5 Q. No. You don't hear the offer rejected in the sense that
6 it is said "SO19 to do it"; you don't hear it said in
7 that way?

8 A. No, sir, I didn't.

9 Q. The first you hear is when you have already crossed the
10 junction, and I just want to ask you this, if you
11 wouldn't mind just going back to your own statement with
12 regard to this to see if you can help with what
13 happened. You have your statement still in front of
14 you?

15 A. I do, sir, yes.

16 Q. It's the sequence dealing with the junction:

17 "We held at the junction [that's where I left off]
18 at the other side of the junction from where the bus
19 was. I could see the bus... I heard over the radio that
20 he had left the bus and walked towards the tube station
21 and went in the main entrance."

22 Well, just pausing, you are on the other side of the
23 road; did you see him?

24 A. No, sir.

25 Q. Did you look for him?

- 1 A. I was looking, sir, but I didn't see him.
- 2 Q. You had a description?
- 3 A. I had a description, yes.
- 4 Q. Did you have an image, a photograph?
- 5 A. No, sir.
- 6 Q. In the car?
- 7 A. No, sir.
- 8 Q. Between you?
- 9 A. No, sir.
- 10 Q. I just want to ask whether you even attempted at this
- 11 point, because you are in, I suggest, a prime position,
- 12 of course there is traffic coming and going and there
- 13 are other people, but did you even look to see if you
- 14 are listening carefully, that he's moved, you know, he's
- 15 walked towards the tube station?
- 16 A. Yes, sir, we are looking.
- 17 Q. You are looking, all three of you are looking, are you?
- 18 A. Absolutely, sir, yes.
- 19 Q. Absolutely, and none of you see him walk across from the
- 20 bus to the tube station?
- 21 A. No, sir, but if I can explain, that is a busy junction.
- 22 Q. It is.
- 23 A. There is a lot going on there.
- 24 Q. There is, but you would be pretty eagle-eyed at this
- 25 point to put yourself in a position, now he's off the

- 1 bus, somebody who was by this stage definitely our man,
2 according to you, you would be eagle-eyed, wouldn't you?
- 3 A. We were, sir, yes, absolutely.
- 4 Q. So you don't see that but you are crossing that junction
5 at about the time or just after he's, what, entered the
6 tube station?
- 7 A. Yes, sir, I can't say specifically where he was at any
8 one time, but what you are saying would be about right,
9 sir, yes.
- 10 Q. Right. As we have got the statement up, I am just going
11 to continue with this situation. Who was it who said
12 over the radio, "Stop him from getting on the tube", you
13 see it in your statement, page 349, it's the next
14 section down. "he must not get on to the tube", who
15 actually said that?
- 16 A. It was Trojan 84, sir.
- 17 Q. Trojan 84. You believed, as you have said here, and
18 it's in your statement, that this had come direct from
19 the DSO?
- 20 A. Yes, sir.
- 21 Q. Had you ever been deployed with -- in other words gone
22 on an operation, an actual exercise, with a DSO before?
- 23 A. Sorry, sir, operation or exercise?
- 24 Q. Well, I'll be specific. You are quite right. First of
25 all, an exercise, in other words not a real situation

- 1 but one that you are practising, had you ever been on
2 with a DSO before?
- 3 A. I had taken part in an exercise where a DSO would have
4 been in the control room, yes, sir.
- 5 Q. Was it an exercise to do with a suicide bomber?
- 6 A. It was, sir, although that particular exercise, we
7 practised the movement of vehicles moving through
8 a convoy, et cetera.
- 9 Q. Right, is this the one between 13 and 15 July?
- 10 A. Yes, sir, it is.
- 11 SIR MICHAEL WRIGHT: Practising moving vehicles in traffic?
- 12 A. Yeah, moving vehicles to get into position where you
13 might be deployed, sir.
- 14 MR MANSFIELD: Other than that exercise, had you actually
15 been on an operation, by which I mean an actual
16 operation as opposed to a practice?
- 17 A. No, sir.
- 18 Q. What did you think the role of a DSO was?
- 19 A. DSO would dictate the tactics in relation to dealing
20 with identified suicide bombers.
- 21 Q. Identified suicide bombers, people believed by the DSO
22 to be suicide bombers; yes?
- 23 A. I had been told, sir, that we would only be deployed in
24 this operation on someone who had been positively
25 identified.

- 1 Q. Right. I'm going to pause on that. When were you told
2 that?
- 3 A. It was during the briefing, sir.
- 4 Q. Right. I'm asking you rather than others. Would you
5 just look at your statement and tell us where in either
6 of the two briefings you had been told that? Take
7 a moment to read it. There is no particular hurry.
8 (Pause)
- 9 A. It's not written in my statement, but that is my
10 understanding.
- 11 Q. I want to deal with this carefully. It's not in your
12 statement that you were told that you would only be
13 involved with a positively identified bomber. Now,
14 that's quite important. If you were told that, why
15 isn't it in the notes that you made up the next day?
- 16 A. It's not in my notes but that was always the strategy
17 for this operation. We would only be deployed on
18 subjects who had been positively identified. There was
19 no doubt whatsoever about that, sir.
- 20 Q. Yes, kindly just -- I'm sorry to tell you this, if you
21 don't mind -- don't just repeat the same things, try and
22 address the question. Why is it not in your notes if
23 you were told that?
- 24 A. I don't know, sir.
- 25 Q. Unless you had made, I suggest, this day a massive

1 assumption that that would be the strategy, you would
2 only be out there if it was an identified bomber?

3 A. There is absolutely no assumption, sir. That was the
4 strategy for this operation. There was no doubt about
5 that.

6 Q. No doubt, right.

7 SIR MICHAEL WRIGHT: Are you leaving it?

8 MR MANSFIELD: I am not, actually, sir. I don't mind a
9 question.

10 SIR MICHAEL WRIGHT: It's not really strictly on the point
11 so I'll save it for a minute, but there is one I would
12 like to ask you.

13 It was Trojan 84 who said, "Stop him getting on the
14 tube"?

15 A. Yes, sir, it was.

16 SIR MICHAEL WRIGHT: Did he say anything to the effect "the
17 DSO says" or "message from DSO" or anything like that?

18 A. No, sir, but by the way he was reading, sorry, saying
19 what he was saying, it was obvious that he was relaying
20 something that had been said to him. I knew that the
21 DSO was in control of this operation, and that he would
22 relay exactly what was said to him and that was my
23 understanding of what he was doing, sir.

24 MR MANSFIELD: That is what he has told us he was doing, so
25 you are right in that regard, I suggest to you, on his

1 account. That's what he says he was doing.

2 Now, the question is --

3 SIR MICHAEL WRIGHT: What's puzzling me is how he knew.

4 MR MANSFIELD: Well, perhaps I shouldn't comment and I will
5 resist.

6 Can I just go on with this important section of your
7 thought processes. So the strategy, although not in
8 your notes, was as far as you were concerned, you would
9 only be involved if there was a positively identified
10 suicide bomber, and that that information would be
11 coming from the DSO. Now, would it be because you were
12 told by TJ84 in the first briefing that you had to trust
13 the information that you were going to get from the DSO?

14 A. Sorry, sir, can you rephrase the question?

15 Q. Yes. Is it right that -- I'll take it in stages -- in
16 the first briefing, the one at Leman Street with TJ84,
17 you were told that you would have to trust the
18 information that was relayed by the DSO, from the
19 control room?

20 A. What he said, sir, is that we should trust the
21 information coming from 1600.

22 Q. Yes.

23 A. And that there was a designated senior officer and
24 I believe that Trojan 80 was with that designated senior
25 officer.

1 Q. Yes, right. That, I suggest, contributed to your
2 understanding or assumption, therefore, of what actually
3 was being relayed by TJ84. Back to page 349:

4 "Stop him from getting on the tube, he must not get
5 on to the tube."

6 Now, I'm going to pause on this. You understood
7 that to be information coming from the DSO, information
8 that the DSO might have that actually the man was
9 a suicide bomber on the 22nd, not just a failed one but
10 one on the 22nd; that's how you understood it, isn't it?

11 A. As I have explained, sir, what I am describing here is
12 the worst case scenario, the consequences of allowing
13 a man who had been positively identified as Nettle Tip,
14 a man who had attempted to commit mass murder the day
15 before, and that allowing him on to the tube network, it
16 was a possibility that that was what he was going to do.

17 Q. See how you put it in your own words. You see, what you
18 do not put in this statement, and I suggest when I said
19 earlier that in your evidence today you are not telling
20 the truth, you have decided to add to this, and what you
21 are adding today is that you are describing the worst
22 case scenario. In fact what you were doing -- just look
23 at the statement now:

24 "I believed [this is the very next sentence] that
25 this was [that is "stop him from getting on the tube"]

1 a relayed instruction from the DSO and that this suspect
2 was a suicide bomber who had entered the tube [it's the
3 last words] in order to blow up a train."

4 That's what you believed, isn't it?

5 A. That was certainly a possibility, sir.

6 Q. No, no, no. You do understand the difference. This
7 statement, I don't know whether it's the same exactly as
8 C12 in terms of time, you started it at 2.57 on the
9 23rd, exactly the same time as C12, and you finished it
10 many, many hours later, didn't you? You haven't got
11 a finish time on yours, but is it about 11 o'clock at
12 night?

13 A. It's in the region of 11, 12 o'clock, sir, yes.

14 Q. You took a long time over this statement, didn't you?

15 A. Yes, sir, but if I could explain, at the time there were
16 several breaks for refreshment, for welfare, because of
17 the nature of this incident, nothing like it had ever
18 happened before and there were concerns for us and we
19 did have interruptions and breaks, so it did take a long
20 time, you are right.

21 Q. Yes, I am not quibbling with the fact that it took
22 a long time, your welfare was looked after, you had seen
23 a doctor and all the rest of it. What I am suggesting
24 is you were taking considerable care about how you were
25 going to express all this, weren't you?

- 1 A. This statement --
- 2 Q. Just answer the question: were you taking considerable
3 care?
- 4 A. I was taking care, sir, yes, absolutely.
- 5 Q. Not just care, considerable care, because a man by this
6 stage not only was dead but he wasn't a terrorist, so
7 you had to take considerable care in how you drafted
8 what it was you thought; correct?
- 9 A. I killed an innocent man, sir. I'm going to have to
10 live with that for the rest of my life. This statement
11 reflects completely honestly what happened on that day.
12 That was my belief about what happened that day. I have
13 no reason to lie, and I fully accept responsibility for
14 killing this man.
- 15 Q. I suggest that what you put there in the statement was
16 a true account, in other words you thought the DSO had
17 information you didn't have and that the man was
18 a bomber and had to be actually shot?
- 19 A. No, sir, I disagree, I had no preconceived notion or
20 idea of how I was going to deal with this situation.
21 What I described there is, as I have explained, a worst
22 case scenario, and I had to consider that as
23 a possibility.
- 24 Q. Why didn't you put it like that in the statement?
- 25 A. I don't know, sir, but you have asked me to explain, and

- 1 that's what I am doing now.
- 2 Q. I would just like an explanation as to why, in the
3 statement, you didn't put, as you have re-emphasised now
4 two or three times, that this was just a worst case
5 scenario, why you just didn't put it in the statement?
- 6 A. I can't explain why I have written it that way, but
7 I can -- I can't emphasise enough, I had no preconceived
8 notion or idea of what I was going to do when
9 I confronted this subject.
- 10 Q. Right, that is an example, I want to suggest, of
11 a phrase you have picked up from the last witness. You
12 see, there is no suggestion in your statement about not
13 having a preconceived idea. That's something he said.
14 Do you think you have been influenced by answers he has
15 given about how you are going to deal with this?
- 16 A. No, sir, but what you are suggesting is that that is the
17 case, and it's not. I didn't know what I was going to
18 do. No-one ordered me to do anything, sir, other than
19 intercept the subject.
- 20 Q. You see, so it's clear, and I'll end on this just before
21 lunch, you not only interpreted it, I suggest as you put
22 it in your statement, you interpreted it as state red,
23 because you didn't wait for the order, you just got
24 straight out of the car?
- 25 A. I did that, sir, because I was very well aware of the

1 fact that there was a delay, and that he was now into
2 the tube network, so we had some ground to make up,
3 that's true.

4 Q. I do not want to stand on ceremony but are you supposed
5 to wait for an order from your team leader?

6 A. That is the order, "Stop him getting on the tube".

7 Q. Are you supposed to wait for an order from your firearms
8 team leader to go red?

9 A. Sir, that was the order, that was state red to me.

10 Q. Please. Are you supposed to wait for an order, "state
11 red", from your team leader?

12 A. This came from Trojan 84. That to me meant state red,
13 and that is why I deployed.

14 Q. I'm only going to ask it once more. Are you supposed to
15 wait for your team leader to give you the authorisation,
16 "state red", before you get out of the car, lest you
17 might compromise something else that's going on?

18 A. Sir, as I have explained, this came from Trojan 84.

19 Q. All right.

20 A. This I took as state red.

21 Q. It's as you are running to the entrance you pick up C12;
22 did you know where he had been before he had got there?

23 A. No, sir. I knew that he was not in the convoy. He had
24 phoned me. I assumed that he would make a direct route
25 from where he was towards Stockwell and --

- 1 Q. Did he say when he phoned you, "Look, I am having great
2 trouble on my radio, I can't hear what's going on"? Did
3 he say anything like that?
- 4 A. He didn't, sir, but he did, it was obvious to me because
5 of the question he asked, that he didn't know where the
6 bus was, and that's what I told him.
- 7 Q. Did he ask whether you were on state amber, something he
8 had assumed?
- 9 A. No, sir, he didn't ask me that.
- 10 Q. Or what he should do?
- 11 A. No, sir.
- 12 MR MANSFIELD: Sir, would that be a convenient moment?
- 13 SIR MICHAEL WRIGHT: Yes, certainly.
- 14 Explain one thing to me, Mr Mansfield, please, I am
15 sure it's me being obtuse, but bearing in mind that we
16 are dealing with the London Underground and the way the
17 London Underground ordinarily runs, what's the practical
18 difference between, "I am going on to the Underground to
19 commit mass murder", as compared with, "I'm going on to
20 the Underground to blow up a train"?
- 21 MR MANSFIELD: Well, there isn't a lot of difference between
22 the two.
- 23 SIR MICHAEL WRIGHT: I did wonder.
- 24 MR MANSFIELD: No, no, my point is, I think, I hope it's
25 obvious, that this isn't somebody who is going to follow

1 of these two suspects?

2 A. Yes, sir. In the second briefing that we had, there was

3 mention of Operation Ragstone, and there was talk of

4 other individuals.

5 SIR MICHAEL WRIGHT: Were they named?

6 A. To be honest, I didn't record the details because it

7 wasn't relevant particularly to what happened, so --

8 SIR MICHAEL WRIGHT: That, I think, answers the second half

9 of the question, which is that although they were

10 mentioned, were you ever given any advice or

11 instructions as to how you should deal with any of those

12 associates?

13 A. No, sir, because specifically in relation to

14 Scotia Road, there was only ever mention of Omar and

15 Osman.

16 SIR MICHAEL WRIGHT: Omar and Osman, and they were the

17 people that the surveillance officers were keeping

18 surveillance on?

19 A. Yes, sir, that's correct.

20 SIR MICHAEL WRIGHT: They were the people that you would

21 have to be ready to intercept if the need arose.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Thank you.

24 Yes.

25 MR MANSFIELD: Yes.

1 Now I am about, obviously, to deal with a later
2 stage than your interpretation of "stop him" as state
3 red. But before I do, as a kind of preface to that,
4 I want to ask you some general questions which relate to
5 training and so on. In the earlier briefing by TJ84,
6 and you have mentioned this already but I want to ask
7 you a little more about it, you had been told about the
8 possibility of using unusual tactics; you might be asked
9 to do something you had not done before. So it's that
10 that I want to ask you about.

11 A. Yes, sir.

12 Q. When you were told that, what did you understand the
13 unusual tactics to be?

14 A. That, sir, we might have to deliver a critical shot and
15 that we were dealing with suicide terrorists. We had
16 never done that before.

17 Q. Can I just deal with the delivery of a critical shot.
18 How did you understand that might arise?

19 A. It depended on the circumstances but in relation to the
20 designated senior officer, that person may say that
21 a critical shot is authorised.

22 Q. Right, so that's, if I can call it a directed critical
23 shot, somebody from above saying what? How would that
24 be communicated?

25 A. It depends on the situation, sir. In the one that we --

- 1 of the day of 22 July, I would have expected to be told
2 in clear speech what was required and in respect of
3 a delivery of a critical shot, it would be "critical
4 shot is authorised".
- 5 Q. So you would have expected the words "critical shot is
6 authorised"?
- 7 A. Yes, sir.
- 8 Q. So that's one situation where it's authorised from
9 above?
- 10 A. Yes, sir.
- 11 Q. When it's authorised from above that you can deliver
12 a critical shot, does that also enable you to approach
13 the target, person, in a covert manner first of all?
- 14 A. Yes, sir it may do so.
- 15 Q. And enable you to deliver the critical shot without
16 warning?
- 17 A. It may do, sir, yes.
- 18 Q. Right. Now, leaving that to one side, the authorised
19 critical shot, covert, without warning. Are there any
20 other circumstances that you understood in which you
21 could deliver a critical shot without authorisation?
- 22 A. Yes, sir.
- 23 Q. And they were?
- 24 A. That the decision to take a critical shot may rest with
25 the individual officer and in certain situations under

- 1 Kratos, which is a spontaneous incident, that there may
2 not be a designated senior officer present.
- 3 Q. So not this situation, then?
- 4 A. Not this situation, no, sir.
- 5 Q. So there isn't a situation without a designated senior
6 officer in which you can deliver a critical shot?
- 7 A. The responsibility for firing the weapon does rest with
8 the individual officer; in any of those circumstances
9 that officer can deliver a critical shot, if he feels
10 that he is justified to do so, sir.
- 11 Q. If he feels what?
- 12 A. If he feels that it's justified that he should do so,
13 that it's his responsibility.
- 14 Q. Yes, I'm trying to get to, for everybody's benefit, what
15 is the circumstance under which, without being
16 authorised by a designated senior officer, you might
17 feel you can deliver a critical shot? Back then,
18 I don't mean now, please understand, I am dealing with
19 the position as you understood it in July 2005.
- 20 A. It would depend on the circumstances. You would have to
21 feel that you were dealing with a suicide terrorist and
22 that he presented a risk to public safety and that he
23 may blow persons up, he may have an improvised explosive
24 device on him.
- 25 Q. He may or does?

- 1 A. It's perception at the time, sir, it's what you believe
2 to be right.
- 3 Q. How do you make that assessment if it's not
4 an authorised shot and it's not intelligence from above
5 telling you this is a bomber? How do you assess this is
6 a bomber, standing in front of you?
- 7 A. I understand what you are saying, sir, and it is a very
8 difficult situation, an almost impossible situation.
- 9 Q. Well, you see, this may be an important -- you do
10 appreciate the significance of this for absolutely
11 everybody. Are you saying there are no criteria?
- 12 A. There is a criteria, sir. It depends on the information
13 and the intelligence you have received, and what you see
14 and what you feel at the time and what you believe to be
15 true, but the decision is yours, sir, or in this case it
16 was mine.
- 17 Q. There is no dispute about the fact that it's your
18 decision at the end of the day to pull the trigger.
19 What everybody I think would be concerned to know is:
20 what is it, sometimes called a threshold but anyway what
21 are the criteria that cause you to feel or see that this
22 person is presenting as a suicide bomber there and then
23 that requires to be shot dead?
- 24 A. Sir, we have a thing called the conflict management
25 model, and it's a decision-making process, and it

1 involves assessment of the information and the
2 intelligence.

3 Q. Yes?

4 A. You make a threat assessment.

5 Q. What does that involve?

6 A. It can involve many things. What we are referring to
7 here is an incident that had happened over a matter of
8 seconds.

9 Q. Yes?

10 A. So I believed at the time --

11 Q. Never mind what you believed at the time. I am dealing
12 with the theory at the moment and the practice and the
13 training. I'll come to what you actually -- what
14 actually happened on the tube train in a moment. Don't
15 worry.

16 In your training, can we get this clear, as I did
17 with C12, you train to operate under pressure, don't
18 you?

19 A. Yes, sir, we do.

20 Q. You train to take split-second decisions because often
21 that's all you have got?

22 A. Yes, sir, we do.

23 Q. So the fact that this was a split-second situation is
24 not something for which you were not prepared, as such?

25 A. Yes, sir, I agree with what you are saying, but this was

- 1 an unprecedented situation.
- 2 Q. Yes, I'll come to it. In fact, the police have had to
- 3 deal with kidnappings, haven't they?
- 4 A. Yes, sir.
- 5 Q. Embassy sieges with the threat and possibility of
- 6 explosions, that kind of thing?
- 7 A. Yes, sir.
- 8 Q. As with C12, you volunteered to do this work, didn't
- 9 you?
- 10 A. I did, sir, yes.
- 11 Q. In your case, what was the reasons you wanted to do it?
- 12 A. Worthwhile job, serve the public, it's challenging,
- 13 learning new skills, teamwork. There is many different
- 14 aspects to the job.
- 15 Q. So you volunteer for those reasons, you deal with or you
- 16 practise to deal with fast-moving split-second
- 17 decision-making situations. Can I just add a rider to
- 18 this: had you before July 2005 practised dealing with
- 19 a foot-borne suicide bomber?
- 20 A. Yes, sir.
- 21 Q. In the circumstances in which you did this, were you, as
- 22 it were, being tested on your ability to deal with
- 23 a variety of situations that might arise with
- 24 a foot-borne suicide terrorist?
- 25 A. Sorry, sir, can you rephrase the question?

- 1 Q. Yes. In the exercise, I appreciate you hadn't actually
2 confronted a real suicide bomber before, had you
3 practised dealing with a variety of situations that
4 might arise in relation to a potential suicide
5 foot-borne bomber?
- 6 A. Most of those exercises that we took part in were in
7 relation to vehicle-borne --
- 8 Q. Vehicles?
- 9 A. Vehicle operations. In relation to foot-borne, most of
10 the emphasis was on the mechanics of the delivery of
11 a critical shot.
- 12 Q. That's exactly what C12 said. It was really about the
13 delivery of the shot, namely if you are going to use --
14 and I just will interpose the ammunition here -- the
15 hollow tip ammunition which was authorised for that day,
16 had you ever taken it out on a training exercise?
- 17 A. Yes, sir.
- 18 Q. If it's in a pistol, or a hand held weapon, it is
19 intended to be used at close quarters in relation to the
20 brain stem, isn't it?
- 21 A. It is, sir, although I should say that it's 9mm and that
22 can be fired from a carbine such as an MP5.
- 23 Q. I appreciate, but if you are using the handgun, and
24 that's the weapon of choice, that is intended to be used
25 at close quarters on the brain stem, isn't it?

- 1 A. Yes, sir.
- 2 Q. Right. Now, the training you had had, is this fair, was
3 dealing with how you might deliver a hand-held, as it
4 were, critical shot from a hand-held weapon?
- 5 A. Yes, sir.
- 6 Q. In other words, were you doing that in relation to some
7 sort of target or perhaps even a dummy or something of
8 that kind?
- 9 A. Yes, sir.
- 10 Q. What I am really more interested in for the purposes of
11 this case: was there any training on testing your
12 ability to make an assessment of whether the person to
13 whom you are going to deliver this critical shot
14 actually is or poses an immediate threat?
- 15 A. That, sir, comes back to what I described as the
16 conflict management model, and on what we do in most
17 operations anyway, in the way we assess people.
- 18 Q. Yes, I am afraid that doesn't quite answer the question.
19 Were you trained in assessing -- and I am dealing with
20 suicide bombers, it had happened in 2001, we are four
21 years later, had anybody sat you down and said, "We want
22 to test your ability to assess whether this person
23 presents an immediate threat or not, how you tell, what
24 are the sorts of things you are looking for", all that
25 kind of thing?

- 1 A. I had been shown the PowerPoint presentations, I had
2 attended lectures, and the types of devices and the
3 effects of those devices were shown to me, sir.
- 4 Q. So what did you think you had to look for?
- 5 A. Well, that is an impossible situation, sir, because
6 there are a variety of ways that a device can be
7 carried.
- 8 Q. So does it come to this: as far as you are concerned, as
9 you can't see it -- sorry, as you may not be able to see
10 anything, how are you going to make an assessment then?
- 11 A. I understand what you are saying, sir, but if I could
12 refer you back to what I said about the conflict
13 management model, it starts with the information and the
14 intelligence that you receive, but you still have to
15 make an assessment, a threat assessment, at the time.
- 16 Q. Yes?
- 17 A. It is a very difficult, almost impossible situation, but
18 you still have to make that.
- 19 Q. Yes. Are we getting to a situation in your particular
20 case and to some extent C12, but I am asking you, is
21 actually -- leaving aside the information at the moment,
22 I am not ignoring it, can't deal with it all at the same
23 time -- that actually as a firearms officer, it is
24 impossible to make the judgment?
- 25 A. It is a very difficult situation, I accept that, sir,

1 and that's what I was faced with at the time. But
2 I still have to make that assessment.

3 Q. Well, I am going to come to, obviously, what actually
4 occurred here in the light of your answers and so on up
5 to now.

6 Would you go back to your statement, bottom of 349
7 and the top of 350. Sticking with 349 for the moment,
8 what I want to suggest to you here was the dominating
9 factor was the first part of the answer you just gave.
10 In other words it was the information/intelligence that
11 is contained within the sentence:

12 "I believed that this was a relayed instruction [and
13 so forth] ... was a suicide bomber who had entered the
14 tube in order to blow up a train."

15 I have been through that and you have made your
16 observations about it. So it's clear where I am going
17 after that, I want to suggest that what happened on this
18 day, within a space of minutes, perhaps less, you went
19 straight down the escalator with one object in mind,
20 didn't you?

21 A. No, sir, I did not.

22 Q. The object was, I suggest, to kill the man who you
23 thought, because of the way you interpreted what you had
24 been told, was actually a suicide bomber that day who
25 was about to blow up the train. Now, is that right?

- 1 A. No, sir.
- 2 Q. Let us see how you put it to begin with. At the bottom
3 of the page, you say there was a train stationary. You
4 see the man in the doorway. Over the page to 350.
- 5 Before we go through it, what you said to begin
6 with, not what you are saying here, what you said to
7 begin with in this statement about what happened next,
8 but I just want to extract these things.
- 9 First of all, do you agree that neither you nor C12
10 had any police identification markings on as you walked
11 up the platform towards the double doors you went in?
- 12 A. Yes, sir, that's true.
- 13 Q. Do you also agree that before you announced the words,
14 "Armed police", as you had the gun to his head, neither
15 you nor C12 had issued any challenge to the effect that
16 you were armed police, had you?
- 17 A. I cannot speak for C12 but in my case, that is true,
18 yes, sir.
- 19 Q. I think I want to put it in your case, because you are
20 a trained officer. Had you worked with C12 before?
- 21 A. Yes, sir.
- 22 Q. You knew him well?
- 23 A. Yes, sir.
- 24 Q. Worked as a team?
- 25 A. Yes, sir.

- 1 Q. Clearly working as a team, you would need to be
2 conscious of what other team members were doing as well
3 as yourself, particularly when you are about to approach
4 a target; you are trained to be conscious of what your
5 team member is doing, aren't you?
- 6 A. You are, sir, but in that situation, my focus was on the
7 threat.
- 8 Q. Yes, I dare say it was, and I am not suggesting you
9 weren't focused on the threat, but focused as I suggest
10 you must have been, do you also agree that neither of
11 you, before in fact you got on top of Jean Charles
12 de Menezes, brought your guns up to the face of this man
13 on his feet, did you?
- 14 A. I can't speak for C12. I can tell you that I was
15 bringing my weapon up.
- 16 Q. Were you?
- 17 A. Yes, sir.
- 18 Q. Just look at your statement on that point. Is there any
19 suggestion that you were bringing it up?
- 20 A. (Pause). I have not written it in my statement.
- 21 Q. No. I suggest that's one of the additions, because you
22 have heard what C12 has told this jury, so you are now
23 saying you were about to do the same, bring your gun up,
24 and you have never mentioned that before, have you?
- 25 A. It's not in my statement, but that is what happened,

- 1 sir.
- 2 Q. You were interviewed by the IPCC as well, weren't you?
- 3 A. Yes, sir.
- 4 Q. You chose not to answer any questions on legal advice,
5 and that you had nothing to add to this statement,
6 effectively that's what you said, isn't it?
- 7 A. Yes, sir, that's true.
- 8 Q. If C12 is just alongside you, as you go through the
9 doors, as you have described he is, he's to your right,
10 Ivor's to your right; yes?
- 11 A. Yes, sir.
- 12 Q. You are providing a phalanx across the door, as you
13 said, to prevent anybody getting out of the door?
- 14 A. Yes, sir.
- 15 Q. I suggest that if Charlie 12 had shouted, "Armed police"
16 and raised his gun as he demonstrated here into the face
17 or towards the face, you can hardly, if you are focusing
18 on the target, have missed that, can you?
- 19 A. I disagree with you, sir.
- 20 Q. I see. I want to suggest what was going on here, so
21 far, no identification on your account and his, no shout
22 of warning of, "Armed police", nobody says any kind of
23 instruction like, "Stand still", do they?
- 24 A. Sorry, sir, your question was in several phases. Can
25 you break that down, please?

- 1 Q. Certainly. Did either of you, you or C12, order this
2 man to stand still, two words?
- 3 A. I can tell you that I didn't, sir.
- 4 Q. No. You certainly didn't hear him do that, did you?
- 5 A. I didn't, sir.
- 6 Q. Or the words, simply spoken, "Hands up"?
- 7 A. I never said that, sir, no.
- 8 Q. Just pause for a moment. Why did you not say any of
9 this?
- 10 A. I didn't have time, sir.
- 11 Q. It takes but the seconds I have just used to say it,
12 doesn't it?
- 13 A. I didn't have time, sir. That's the truth.
- 14 Q. You are not saying you didn't have the presence of mind
15 or that you didn't have the training or it was too fast,
16 are you, in that sense?
- 17 A. I'm focusing on the threat, sir. I did not have time.
- 18 Q. Let us just deal with, and so I have made it clear,
19 I hope, to you, the object was clear, I suggest, in your
20 mind was a covert approach and a shooting without
21 warning, or at least a warning that was so late it was
22 meaningless. Do you follow?
- 23 A. I follow, but I don't agree.
- 24 Q. Because what was the threat that you saw?
- 25 A. As I have said, sir, the threat starts with the

1 information and the intelligence, and the fact that this
2 man had been identified as Hussain Osman.

3 Q. Yes?

4 A. Hussain Osman had committed or had attempted to commit
5 murder the day before.

6 Q. Yes?

7 A. So I had that in the back of my mind, but when I went
8 down there, I didn't -- I genuinely didn't know what
9 I was going to do and I still had to make an assessment.

10 Q. Were you intending primarily to arrest him with
11 a critical shot?

12 A. I didn't know what I was going to do. The intention was
13 to intercept and arrest.

14 Q. How could you possibly use your weapon, which is
15 primarily for a critical close quarter shot? How could
16 you use it without being right up against him?

17 A. The weapon can be used for a number of different things,
18 sir, and that may include pointing at someone and not
19 shooting.

20 Q. Which of course you now say you were about to do, to
21 bring it up, were you?

22 A. I was in the process of doing that, sir, yes.

23 Q. I see. Just concentrating on what he did, what's the
24 threat posed by him, besides the information you had?

25 A. Besides that, sir, it was when I first saw him, I, based

1 on the briefest glimpse, I thought I saw that the jacket
2 was bulky.

3 Q. Right --

4 A. And also the fact that he stood up and that he advanced
5 towards me very quickly, that was a threat.

6 Q. Just dealing with those two facets of this. Did you
7 notice anyone else getting up?

8 A. No, sir.

9 Q. If Ivor had mistakenly pointed at someone else as he
10 turned round, and they got up, would you have shot them?

11 A. Sir, there was no doubt whatsoever who Ivor was
12 indicating to.

13 Q. But if he had made a mistake and pointed out another
14 man, like himself wearing a denim jacket, would you have
15 gone straight across and shot him in the head?

16 A. No, sir.

17 Q. Why not?

18 A. Because that would not be enough. There was more
19 besides, and I have described what had happened after
20 Ivor, and I must stress there was no doubt whatsoever
21 about who he was identifying.

22 Q. I'm not suggesting there is any doubt about who he was
23 identifying. The two facets you have indicated are:
24 a bulky jacket, and he advanced towards you. Well, now,
25 so far as the bulky jacket, I do not want to take a lot

1 of time over this, but that was an independent
2 recollection of yours, was it, not something you had
3 agreed or assessed with C12?

4 A. No, sir, that's how I remembered it. A bulky --

5 Q. Yes, all right. Now, you have been shown already
6 tab 59, and at this stage I am not going to go through
7 it, but we have other photographs, but just bear with
8 me. Tab 59, please, again, it's on the screen. I want
9 to suggest to you, as it comes up -- it can't be brought
10 up. All right.

11 Tab 59. I have a copy here. (Handed)

12 I think the jury have it. I'm going to pass you
13 mine.

14 A. Thank you, sir.

15 Q. You have seen this this morning. There are a number of
16 points I want to make. First of all, this was just
17 an ordinary denim jacket, wasn't it?

18 A. Yes, sir.

19 Q. I want to also suggest from all the photographs, and we
20 are going to have some other stills so the jury can see
21 more of them, in every still and every shot the jacket
22 is undone, and you have got it on the tabs there, the
23 left-hand side and the right-hand side. It's undone.
24 Do you follow?

25 A. I follow, sir, yes.

1 Q. Can you also judge from the photographs, and it can be
2 agreed in any event, that Mr Jean Charles de Menezes
3 wasn't a particularly overweight or obese or heavy
4 build, was he?

5 A. No, sir.

6 Q. I am going to ask you and the jury, because it's here
7 and the family are aware of this, and I am also saying
8 it slowly in case they don't want to remain, we actually
9 have the jacket, as Mr Hilliard earlier indicated.
10 I would like the jacket to be uncovered. It's just
11 there to the right.

12 SIR MICHAEL WRIGHT: Yes. Just before we do that too
13 precipitately, Mr Mansfield --

14 MR MANSFIELD: I have warned the family.

15 SIR MICHAEL WRIGHT: I know, but forgive me, I do not want
16 to be a nuisance about this, but if you could ask
17 Ms Wistrich or Ms Hill, just to warn the family now,
18 please, that it's about to be produced, would they like
19 to leave.

20 MR MANSFIELD: Yes. We have taken --

21 SIR MICHAEL WRIGHT: I fully accept that, I just want it
22 brought to their attention.

23 MR MANSFIELD: I see. (Pause)

24 Thank you very much. I wonder if it could be
25 uncovered.

1 SIR MICHAEL WRIGHT: It must stay in its plastic cover, I am
2 afraid.

3 MR MANSFIELD: I wonder if it could just be suitably placed
4 perhaps on the floor in front of the jury so they can
5 see it, or held up.

6 SIR MICHAEL WRIGHT: Ladies and gentlemen, you will
7 appreciate for obvious reasons it mustn't be touched,
8 not because of any esoteric reason but there is a health
9 hazard involved, so it must be kept in its plastic
10 cover. If it's ever taken out you will have to be given
11 gloves.

12 MR MANSFIELD: May I also indicate that the T-shirt
13 underneath is not the T-shirt but it's a similar one,
14 it's not the one that's in the photographs.

15 SIR MICHAEL WRIGHT: Thank you.

16 MR MANSFIELD: If the jury want a better view of it, then
17 Mr Reynolds might be kind enough to pick it up and
18 perhaps take it towards the jury so that they can see.
19 (Pause)

20 SIR MICHAEL WRIGHT: Would you like to see the back of it as
21 well. (Pause). Thank you.

22 MR MANSFIELD: If it could be shown to the witness as well,
23 because he probably hasn't seen it since.

24 SIR MICHAEL WRIGHT: Has everybody seen enough? Thank you.

25 MR MANSFIELD: Yes, I wonder if it could kindly go back in

1 its brown bag.

2 What I want to suggest to you is that that
3 description you have given to it is one you have had to
4 make up since to explain why you shot an innocent man;
5 do you follow?

6 A. I follow, but I do not agree with what you are saying,
7 sir.

8 Q. Because one of the things that in your model management,
9 or whatever it's called, was of course bulky clothing
10 inappropriate for the season, might be concealing
11 something. Was that a feature of the training?

12 A. That's not part of the conflict management model, sir --

13 Q. No, was it part of any part of your training?

14 A. Sorry, sir, can you rephrase the question?

15 Q. Yes. Was any part of your training -- and I appreciate
16 conflict management is about the management of
17 conflict -- was there any part of your training for
18 dealing with suicide bombers that one thing you might
19 want to look at is the nature of the clothing,
20 particularly if it's bulky, out of season when it's very
21 hot, somebody is wearing a bulky jacket or if it's
22 a woman, something more bulky in terms of their upper
23 clothing. Were you told to look for that?

24 A. What you are referring to, sir, there, is in relation to
25 spontaneous response under Operation Kratos and a number

1 of things that you may look for.

2 SIR MICHAEL WRIGHT: It's a recognition technique, is it?

3 A. Yes, sir, it's part of a long list of things that he is

4 talking about, sir.

5 MR MANSFIELD: I appreciate the police have this, if I may

6 call it, rather rigid division between spontaneous and

7 Clydesdale, and of course, can we just do away with the

8 label for a moment. If you are dealing with a suicide

9 bomber, however they have got to the position they are

10 in, one of the things I think you are agreeing, one of

11 the recognition criteria is bulky clothing?

12 A. Yes, sir.

13 Q. Right. Is that why you stuck it in there, in your

14 statement?

15 A. It's in there because that's what I remember, sir.

16 Q. Of course, today you have elaborated, even, haven't you?

17 About where you saw the bulkiness?

18 A. This is the first time that I have been asked to give my

19 account of what happened and that's what I am doing.

20 Q. Can you honestly today -- well, it's not the first time.

21 On advice you were asked before but you chose not to

22 answer the questions, on advice. So it's not the first

23 time?

24 A. This is the first time I have given an account of what

25 happened, sir.

- 1 Q. But you did in your statement obviously as well?
- 2 A. Yes, sir.
- 3 Q. Are you really saying to this jury this amount of time
4 since, three years on, that you remember the bulky
5 nature of the jacket was, as you put it to Mr Hilliard,
6 lower front and side?
- 7 A. Yes, sir.
- 8 Q. That's how you remember it, as he's sitting there, in
9 a glance which you say hasn't even given you time to
10 say, "Sit down, stand still" or anything, you have
11 noticed all that, have you?
- 12 A. Yes, sir, but as I have explained, it was a brief
13 glimpse and this incident was over very, very quickly.
- 14 Q. Could you, now you have seen the jacket, do you think
15 you could have been wrong about that, even that?
- 16 A. Obviously, sir, I was wrong. I killed an innocent man,
17 but that's what I believed at the time.
- 18 Q. I am going to come a little later to your reflections
19 about what's gone wrong here. But that's one aspect,
20 that's the jacket. Then you say, just look at your
21 statement, I'll pause for a moment. We are now in the
22 statement, page 350, moving on from the bulky jacket:
23 "This male was sitting in the second seat away from
24 the glass partition by the opposite doorway. He got up
25 and advanced towards us with his hands down by his

1 side."

2 Now, what is so threatening about that?

3 A. At the time, sir, I didn't have much, but I was looking
4 for his hands, that I anticipated that that is the way
5 he would detonate any device, so I was looking to his
6 hands to see what they were doing.

7 Q. In fact, you see, all that your statement says about his
8 hands, although you are now saying something more about
9 his hands, I'll come to that, all you put in the
10 statement is his hands are down by his side. That's
11 pretty innocuous, isn't it?

12 A. That's what is in my statement, sir.

13 Q. That's pretty innocuous as it stands, isn't it?

14 A. Sorry, sir, can you explain what you mean?

15 Q. Yes. Having -- as you get out of your seat, having been
16 indicated by somebody else, towards men who are not
17 saying who they are, because they have not announced
18 that they are armed police, according to you and your
19 recollection, they have not issued any instructions and
20 he gets up out of his seat and he has his hands down by
21 his side, how do you interpret that as a threat?

22 A. Sir, you are breaking down an incident that happened
23 very, very quickly. That is one aspect of more than one
24 that happened. Just one.

25 Q. There isn't very much more, if you look at it. This is

- 1 why I am suggesting to you, you went straight through
2 the doors and shot him, all right, there is no question
3 of assessing anything. You now say as far as the hands
4 are concerned that actually they weren't quite by his
5 side, they were just in front of him and you couldn't
6 see the palms of his hands, that's what you said today?
- 7 A. Yes, sir.
- 8 Q. Why isn't that in the statement?
- 9 A. I can't explain that, sir, but as --
- 10 Q. Go on?
- 11 A. If you allow me to continue, please, sir.
- 12 Q. Certainly.
- 13 A. This is the first time that I have spoken about this,
14 I am explaining what happened.
- 15 Q. Well, why didn't you on advice say to the IPCC,
16 "Actually there are a few more things I want to say and
17 I would like to say them now in addition to the
18 statement I have provided". Why didn't you tell them
19 that?
- 20 A. Because it was my legal advice not to do so, sir.
- 21 Q. Are you again, in regard to this as well as the bulky
22 jacket point, are you saying to the jury now you now
23 remember that his hands were actually just in front of
24 him, and you demonstrated; only you didn't have your
25 fists clenched, your hands were flat, as it were. Do

- 1 you remember, you did that demonstration today? Sort of
2 rather closer together in front of you. Do you remember
3 how you demonstrated it today?
- 4 A. I remember how I demonstrated it, sir, and that's the
5 way it was.
- 6 Q. Is that because you know what C12 demonstrated to the
7 jury?
- 8 A. I don't know what he demonstrated to the --
- 9 Q. Don't you? You read what he said?
- 10 A. I was following what he said, sir, but I couldn't see
11 what he was doing.
- 12 Q. If you look back at your statement, 350, in fact the man
13 does nothing else other than stand up, advance towards
14 you, with his hands down by his side; nothing else does
15 he do, correct?
- 16 A. When I first saw him, I have described what I saw with
17 his jacket, he turned and looked to us, he stood up
18 quickly, and he advanced towards us. I believed at that
19 time that he was a threat and I believed that he was
20 going to blow up the train. I thought that I was going
21 to die.
- 22 Q. What was my question? (Pause). I really don't want to
23 be rude to you or offensive but you do seem to be in
24 automatic mode, as it were, just repeating various
25 things. The question was that he did nothing else than

- 1 get up, walk towards you with his hands down by his
2 side. That's all he did. Correct?
- 3 A. Sir, you are trying to isolate by the split second what
4 happened very, very quickly.
- 5 Q. No, you are the one who's isolating what happened, and
6 I'm just picking up on what you have described.
7 According to you, he did nothing else; correct?
- 8 A. I disagree with what you are saying, sir.
- 9 Q. Well, what else did he do?
- 10 A. I have described what he did, sir. The fact that, when
11 I first saw him, what I observed about his jacket, the
12 fact that he stood up and he advanced towards me
13 quickly, and the position of his hands, they were all
14 relevant, sir.
- 15 Q. You see, you don't even have that. Just look at the
16 statement. You don't have in this statement anything
17 about him looking towards you, do you?
- 18 A. No, sir, I haven't written that.
- 19 Q. You don't have anything about him walking quickly
20 towards you, do you?
- 21 A. No, sir.
- 22 Q. You don't have anything about closing you down, which
23 you are now saying you thought was the possibility, do
24 you?
- 25 A. No, sir.

- 1 Q. No. All of this, I suggest, these phrases that you are
2 adding today, are a gloss on the truth, aren't they?
- 3 A. No, sir, I completely disagree with what you are saying.
- 4 Q. Because almost as soon as he got up, he was pushed back
5 into his seat by Ivor, the surveillance officer, wasn't
6 he?
- 7 A. It is true that he was pushed back towards the seat that
8 he came from by the surveillance officer.
- 9 Q. Given your training, that is split-second timing, if
10 something like that happens, you are trained to make
11 an assessment about what then is going on, aren't you?
- 12 A. Yes, sir.
- 13 Q. What then is going on is a man who has not set off
14 a bomb, and whose hands and arms are pinned to his side
15 by a very courageous surveillance officer who has gone
16 towards him with that purpose. Now, that's what you
17 saw, isn't it?
- 18 A. Ivor was courageous, undoubtedly, sir. What the
19 position of the subject's hands, I could not see at that
20 stage. I can't tell you how effective Ivor was in what
21 he was doing.
- 22 Q. Well, I want to suggest to you it was exactly your job
23 to work out how effective it was. If you are going to
24 be given a lethal weapon, it is your job to assess when
25 you should be using it, given that the man that you are

1 looking at and focusing on has been restrained. That is
2 your job, isn't it?

3 A. It is my job, but I do not agree with what you are
4 saying, sir, what you are intimating.

5 Q. You don't even look to see whether this man has the
6 ability with his hands to do anything, do you?

7 A. I can't see his hands at that stage, sir.

8 Q. Do you even look?

9 A. I can't see them, sir, Ivor is in the way.

10 Q. Do you wait until he is not in the way?

11 A. At that stage, sir, I judged that it was too late and
12 I believed, I honestly believed that we were about to
13 die, and I had to act.

14 Q. You reach over, as you say, it's in the statement, you
15 reach over the surveillance officer. Well, Charlie 12
16 has already done that, hasn't he?

17 A. I don't know what Charlie 12 is doing, sir.

18 Q. Let us think about this. You really are acting as
19 a team, are you?

20 A. In this situation, sir, I am making my own assessment
21 and I am taking my own action, and I do not know what
22 Charlie 12 is doing.

23 Q. I want to suggest to you that is exactly what you have
24 been doing from the moment you entered the tube station.
25 You were acting on your own with your own intention.

1 You weren't that interested in what C12 was up to. You
2 had one object: shoot this man dead as quickly as
3 possible?

4 A. No, sir, completely disagree with you.

5 Q. Five seconds or less between entering the tube and him
6 ending up dead; yes?

7 A. Yes, sir.

8 Q. So you don't know, then, that C12 has already started
9 firing?

10 A. When I fired, sir, I believed that I was the only one
11 firing.

12 Q. You believed you were the only one?

13 A. At the time that I first fired.

14 Q. You don't have any idea of how many shots you fired?

15 A. No, sir.

16 Q. Why is that?

17 A. I thought I was going to die, sir. I had to deal with
18 the threat. I had to focus on where the threat was.
19 I knew Ivor was in the way, I had to avoid shooting him.
20 I knew C12 was to my right, I didn't want to shoot him.
21 I knew there were members of the public present. There
22 was someone to my left on the seat, the left of where
23 the subject had come from. All of those things were
24 going through my mind. So no, I don't know how many
25 rounds I fired.

- 1 Q. You see, you, in your case, you actually paused, didn't
2 you, because there was a difficulty with your weapon?
- 3 A. That's true, sir, yes.
- 4 Q. Did you reassess whether the shots by then that had been
5 fired by both of you had had the desired effect?
- 6 A. I could not be certain, sir, that --
- 7 Q. Did you make an assessment?
- 8 A. I made an assessment, sir, and I was not certain that
9 the subject was incapacitated. I had to make sure that
10 life was extinct, that he was dead, as difficult as
11 that, as horrible as that sounds, it was a --
- 12 Q. Or was it: I'll give him all I can because you believed
13 he was not only the bomber from yesterday but a bomber
14 that day as well?
- 15 A. No, sir, I disagree with you.
- 16 Q. Because you, as it were, reload the gun or at least make
17 sure it's ready for action again; where is Jean Charles
18 de Menezes at that point?
- 19 A. He is falling away from me, sir.
- 20 Q. He is falling away from you; on to the floor?
- 21 A. I think he landed on the seat, sir.
- 22 Q. Or was he on his knees?
- 23 A. I don't ever recall him being on his knees, no.
- 24 Q. So it is clear, I am just going to put it to you what
25 Delta 4 says he sees, looking into the carriage,

1 page 440, you and 12:

2 "... struggling with a male who was wearing blue
3 jeans and a blue top, at the same time this male was on
4 his knees and I then heard the sound of more shots."

5 Is that a description that you can recall?

6 A. I can't speak for Delta 4, sir --

7 Q. No, is that a description -- never mind who he is -- of
8 events you recall, a man on his knees and you continue
9 firing?

10 A. No, sir.

11 Q. So where was he when you continued to fire the six
12 shots?

13 A. He was falling away from me, sir.

14 Q. He was no threat, was he?

15 A. He absolutely was. I believed that he was a threat at
16 that time.

17 Q. You are trained only to use absolutely necessary force
18 in reasonable defence of yourself and others, aren't
19 you?

20 A. Sir, if I had any doubt whatsoever, then believe me
21 I would not have fired.

22 Q. I have moved on from the question of why you fired in
23 the first place. I am now dealing with the six shots
24 you fired. Do you follow?

25 A. I follow, sir.

1 Q. There is a gap in your case, and you see the man falling
2 away, and yet you still continue?

3 A. Yes, sir, that's true.

4 Q. I want to suggest to you at that stage the truth of the
5 situation was you just wanted to despatch this man
6 altogether, irrespective?

7 A. You are completely wrong, sir. The last thing I want to
8 do is to take another person's life. It is the worst,
9 most horrible thing imaginable, and I'm going to have to
10 live with this for the rest of my life. It was not my
11 intention, it's what happened, and I have to accept
12 responsibility for that. I killed him.

13 Q. You were asked by Mr Hilliard again about your reaction
14 when you discovered, later, at midday on the 23rd, that
15 this was an innocent man. I would like you to look at
16 your statement with regard to this as well. It's the
17 bottom of that page, 350. It's just a couple of
18 sentences:

19 "I have been subsequently told that the man that
20 I shot was not a suicide bomber and not connected with
21 recent bombings. I was deeply shocked at this news but
22 at the same time I shot the man I was convinced that he
23 was a suicide bomber and that I had no alternative."

24 That's succinctly how you put it at the time, isn't
25 it?

- 1 A. Yes, sir.
- 2 Q. Not a word about "I think about it every day", was
3 there?
- 4 A. No, sir.
- 5 Q. That's what C12 said. Have you picked that up from him?
- 6 A. Sir, believe me, I think about this every single day.
- 7 Q. You added today that it was against all your training,
8 you are an instructor and so on; that's not in there
9 either, is it?
- 10 A. It's not in there, sir, but it's true.
- 11 Q. That's what C12 said as well. Did you pick that up from
12 C12?
- 13 A. Sir, it's true. I'm an instructor. I'm a specialist
14 firearms officer. And this goes against everything that
15 I had ever trained for. To kill an innocent man is
16 horrific.
- 17 Q. Have you then, in that regard, since you say that is the
18 true position for you, have you re-evaluated what went
19 wrong here for a highly trained specialist firearms
20 officer to have assessed somebody as an imminent threat
21 when he wasn't?
- 22 A. I do think about it every day, that's true, sir.
- 23 Q. And what went wrong?
- 24 A. What went wrong: a number of things, including
25 misidentification; the fact that he was positively

1 identified; and the fact that I was thrown into
2 a situation, an impossible situation, and I made
3 a decision and it turned out -- I believed it to be
4 right at the time but it turned out that it was wrong
5 and I'm going to have to live with that, sir.

6 Q. I follow all of that. The misidentification clearly may
7 be laid at somebody else's door, all right, or at least
8 the communication of that to you may be laid at someone
9 else's door. The fact that you are thrown into
10 an impossible situation may be laid at somebody else's
11 door, and the jury will have to analyse all these
12 stages. But the final stage is you are in a situation;
13 have you re-examined how you could possibly have made
14 this mistake, you responsible for pulling the trigger?

15 A. At the time, I believed that he was a suicide bomber, so
16 I did not think that I was making a mistake. I only
17 knew that it was wrong, that he was innocent, when I was
18 told 26 hours afterwards.

19 Q. Yes, of course, 26 hours too late. What I am really
20 trying to ask you, do you follow, is now you say you
21 have thought about it every day, so that we may be
22 assured that you won't do it again when you are thrown
23 into an impossible situation again, what is it do you
24 think you did wrong?

25 A. With what I believed at the time, sir, I can't see that

1 I could have done anything different.

2 Q. So you don't think you have done anything wrong in that
3 regard?

4 A. As I have said, sir, it's wrong because I killed
5 an innocent man, but at the time I could not see,
6 I cannot see how I could have done anything different
7 with what I believed to be true at that time.

8 Q. I am going to suggest, so it's not left hanging in the
9 air, that the thing that you did fail to do dismally,
10 was, after you entered the tube station -- this is based
11 on Trojan 84. He told this jury that you had
12 an obligation to do an independent assessment; even if
13 you thought the person at the bottom of the escalator
14 was a suicide bomber that day, you had an obligation to
15 make an objective and independent assessment and you
16 failed to do it, didn't you?

17 A. I did make that assessment, and it is my responsibility,
18 and I accept that.

19 MR MANSFIELD: Thank you.

20 SIR MICHAEL WRIGHT: A question I have for you, just
21 a moment, on that very point.

22 Speaking of the assessment that you accept that you
23 had to make because the final responsibility for pulling
24 the trigger was yours; yes?

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: When Ivor grabbed Mr de Menezes, you
2 have told us that, because he did that, you couldn't see
3 his hands?

4 A. That's correct, sir.

5 SIR MICHAEL WRIGHT: Would you think that Ivor, no doubt for
6 the best possible reasons, but would you think that he
7 might have interfered with the assessment that you
8 should have made?

9 A. No, sir.

10 SIR MICHAEL WRIGHT: Or prevented you from making it?

11 A. No, sir, it was -- I judged him to be a threat when
12 I brought my weapon up, it was my intention then to
13 challenge him, but I had already judged he was a threat;
14 it was no reflection on Ivor whatsoever, what happened.

15 SIR MICHAEL WRIGHT: Thank you.

16 Yes, Mr Gibbs.

17 Questions from MR GIBBS

18 MR GIBBS: Sir, I did have one or two questions, if I may.

19 SIR MICHAEL WRIGHT: All right. Are you looking for
20 a break?

21 MR GIBBS: No.

22 SIR MICHAEL WRIGHT: In that case let us have the one or two
23 questions.

24 MR GIBBS: Charlie 2, I represent the red and grey
25 surveillance teams. I may have about ten minutes of

1 questions; is that all right with you?

2 A. Yes, sir, that's fine.

3 Q. May I make it plain, I don't question what it was you
4 thought. I'm interested just to examine how it was that
5 you came to those thoughts, though. I would like,
6 please, if we may, to have page 349 which is part of
7 your statement up on the screen. I'm going to ask Tom
8 to blow up the middle section for us. There is about
9 two and a half lines into which I suspect quite a lot
10 may have been compressed, which it may be that Tom can
11 put in yellow for us. Between the two hole punches, it
12 begins with:

13 "I heard over the radio that he had left the
14 bus ..."

15 Down a bit, further down. There we go. If we could
16 do those right down to -- thank you very much. I beg
17 your pardon, I have got that completely wrong. It was
18 exactly where Tom was first. After "Charlie 12 via
19 a mobile phone". Could you do that bit? My apologies,
20 completely my fault. Down to "twitchy".

21 Now, I just wonder whether what we may have there is
22 not a snapshot at a particular moment, but perhaps the
23 compression of a rather longer period of you summarising
24 what you have picked up while you are in the car over
25 rather a longer period. Do you think that's possible?

1 A. I agree, sir, yes.

2 Q. So that, for instance, you see the reference to
3 "surveillance officers" about which you have been asked
4 some questions; now, I don't know whether you have been
5 listening to the evidence from some of the surveillance
6 team, but we know that there was a surveillance officer
7 called Ivor who was on this bus for part of the time in
8 the first half of the follow; and then that there was
9 another surveillance officer called Lawrence who was on
10 the bus at a second part in the -- towards Stockwell.

11 Now, I don't know, you tell us, did you pick
12 that up, do you think, that there had been at some times
13 more than one surveillance officer on the bus?

14 A. Yes, sir, and I did make assumptions here on the basis
15 of previous experience, there could be one or more
16 officer during the follow. So yeah, I accept what you
17 are saying.

18 Q. I'm not saying anything, I am just asking because we
19 have just two and a half lines here, and I would just
20 like to give you the opportunity to say whether it may
21 be rather longer than it looks.

22 Then you said:

23 "... and I heard them say..."

24 Do you see, so perhaps referring back to officers in
25 the plural:

1 "... 'this was definitely our man'."

2 A. Yes, sir.

3 Q. As you remember it, did you hear one person say that or
4 did you hear more than one person say that?

5 A. I can't recall but I believe it was one person that said
6 that, and that's just -- the way I have written it
7 doesn't read correctly.

8 Q. Can you remember now, as you remember it, when it was
9 that you heard that, at what stage in the following
10 process, or is it just something you heard at some
11 stage?

12 A. It was something I heard at some stage, sir, and I would
13 say it was towards the end of the follow, but I can't be
14 certain.

15 Q. Okay. You see, we know, because Ivor has told us, that
16 when he was on the bus he was not able to confirm that
17 it was Nettle Tip. We know that when Lawrence was on
18 the bus later, he actually personally thought that it
19 wasn't Nettle Tip. There was a surveillance officer
20 called James who thought that it was Nettle Tip, but he
21 said that over the telephone, not over the radio. Did
22 you know that that evidence had been given?

23 A. I do know now that that evidence has been given, yes,
24 sir.

25 Q. Can we just understand, as you sit in your car, what it

1 is that you have got coming in? Am I right in thinking
2 there is the Cougar radio?

3 A. Yes, sir.

4 Q. And that is listening in to the surveillance traffic?

5 A. Yes, sir, it is.

6 Q. You have told us that that is not perfect at the very
7 least in terms of its reception?

8 A. Yes, sir, that's true.

9 Q. You also have your firearms team 75 channel radio; am
10 I right?

11 A. Yes, sir.

12 Q. Is that coming into headsets or is that coming
13 loudspeaking into the car?

14 A. They are hand-held radios, sir, and they would be
15 listened to without earpieces.

16 SIR MICHAEL WRIGHT: Without?

17 A. Without earpieces, sir.

18 MR GIBBS: Have you each -- there are three of you --
19 presumably the driver isn't using his as he drives, am
20 I right?

21 A. That's correct, sir.

22 Q. But you in the front seat and is it Charlie 6 in the
23 back seat?

24 A. Yes, sir.

25 Q. Have both got your 75 radios on?

- 1 A. I can't remember now if we had one each. We certainly
2 had one for the car, sir, that's true.
- 3 Q. You would have been at one time and another also
4 speaking into that yourself?
- 5 A. Yes, sir, I would have done.
- 6 Q. You use that, am I right, amongst the firearms team, in
7 order to communicate with each other so that you don't
8 need to break into the Cougar traffic?
- 9 A. Yes, sir, that's true.
- 10 Q. You are saying to each other where you are, what you are
11 doing, what you are planning to do next, any relevant
12 information that may need to be shared amongst the team?
- 13 A. Yes, sir.
- 14 Q. All of those things are right, are they?
- 15 A. Yes, sir.
- 16 Q. Then in addition you have a mobile telephone which you
17 were using?
- 18 A. Yes, sir.
- 19 Q. As you have told us, correct me if I'm wrong, you
20 received a call from Charlie 12, from whom we have
21 already heard?
- 22 A. Yes, sir. I did. He phoned me, sir.
- 23 Q. You made a number of calls yourself to Ralph, the team
24 leader?
- 25 A. Yes, sir, that's true.

- 1 Q. Was that speaking to Ralph in order to understand where
2 he was, where you were, and what it was that each of you
3 might need to do next?
- 4 A. Yes, sir.
- 5 Q. We have heard that there were five calls, but I think
6 I am right in saying that after 9.41, which is when the
7 grey team broadcast that they are going to pick up and
8 follow this man, there were three calls between yourself
9 and Ralph; does that sound right?
- 10 A. Yes, sir, it does.
- 11 Q. You are not, are you, making notes as you drive along of
12 everything that's being said over the various radios?
- 13 A. No, sir.
- 14 Q. Because you are concentrating on what might be thought
15 to be more important things?
- 16 A. Yes, sir, that's true.
- 17 Q. Forgive me for stating the obvious, but you are not
18 thinking about what someone may ask you three years
19 later in a court of law; you are thinking about the
20 immediate threat that you are being deployed to face; am
21 I right?
- 22 A. Yes, sir.
- 23 Q. You see, we are just lawyers and we pick words to pieces
24 in court, but you are, like the surveillance officers,
25 on the front line, aren't you?

- 1 A. Yes, sir, I agree.
- 2 Q. You, I suggest, in that car, making your way forward
3 towards this man who was being followed, must have known
4 that you were having to prepare yourself potentially for
5 a life and death confrontation, am I right?
- 6 A. Absolutely, sir, yes.
- 7 Q. So as we picture you, in your car, with the Cougar
8 coming in, with the firearms radio in your hand,
9 receiving and broadcasting, with your mobile telephone
10 speaking to your team leader, receiving telephone calls
11 from Charlie 12, you are not nicely discerning where the
12 information is coming from; you are concentrating on
13 what it means, and what it means you may have to do; am
14 I right?
- 15 A. Yes, sir, I agree.
- 16 Q. I am going to ask that 349 please come up again. Just
17 to finish this radio point, I think Tom can probably do
18 us another colour, if he selects red, the second line
19 that's presently showing on the page. The third word in
20 is "radio". Within the part that has been marked
21 yellow, the third word in we have "radio". Just above
22 the second holepunch, after the word "Station" with
23 a capital letter, we have the word "radio". So as you
24 sit down the next day and you make a statement, we have
25 here three references to things that you have heard over

- 1 the radio?
- 2 A. Yes, sir.
- 3 Q. You don't distinguish between those, as to which radio
4 any of those is, do you?
- 5 A. No, sir.
- 6 Q. Can we look at the third one, "over the radio". You
7 quote this:
- 8 "Stop him from getting on the tube, he must not get
9 on to the tube'."
- 10 Who is that from?
- 11 A. Trojan 84, sir.
- 12 Q. That's not coming over the Cougar surveillance radio, is
13 it?
- 14 A. No, sir.
- 15 Q. We know that over the Cougar radio, Trojan 84 gave state
16 red but you didn't hear that?
- 17 A. No, sir, I didn't hear that.
- 18 Q. Where has that come to you from?
- 19 A. The command, "Stop him getting on the tube", I took that
20 to mean state red. I have been made subsequently aware
21 of the fact that the order state red was given, but
22 I didn't hear that at the time.
- 23 Q. Yes, but over which radio or over which communication
24 are you hearing from Trojan 84, "Stop him from getting
25 on the tube, he must not get on to the tube"?

1 A. I am pretty sure it was the 75 set, sir.

2 Q. You see, if it matters over which radio you picked up
3 the information upon which you acted, it may turn out
4 that there were people involved in this operation who
5 believed that there had been a definite, beyond a shadow
6 of a doubt, identification of this man as Nettle Tip;
7 but those people we will find, I think, were not the
8 surveillance officers, they were elsewhere. I wonder
9 whether you may have picked up your "definitely our man"
10 from somewhere other than the surveillance officers?

11 A. I agree that's entirely possible, sir.

12 MR GIBBS: Thank you very much.

13 SIR MICHAEL WRIGHT: That might be a convenient moment. You
14 have actually, as it happens, very largely answered
15 a question that has come from a member of the jury, but
16 I'll put it to you.

17 When you were originally briefed, you were told
18 about giving, about trusting the information that came
19 in to you. In fact, the evidence that you gave, that
20 you were told to trust the information coming from room
21 1600, in other words New Scotland Yard. Is that right?

22 A. That's right, sir, yes.

23 SIR MICHAEL WRIGHT: In fact, did you draw any distinction
24 between the trustworthiness of the information that you
25 were getting coming in, as to whether it came from 1600,

1 or whether it was coming from the people who at any rate
2 you thought were the surveillance officers?

3 A. There is no distinction, sir. I was reliant on other
4 people and I would -- it's quite likely I would not have
5 time to question what I was being told.

6 SIR MICHAEL WRIGHT: So you would be giving the same level
7 of trust to both sources of information?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Thank you. Twenty-five past.

10 MR HILLIARD: Sir, can we keep you for a timetabling point
11 after the jury have gone?

12 SIR MICHAEL WRIGHT: Certainly. You carry on, ladies and
13 gentlemen.

14 (3.15 pm)

15 (In the absence of the jury)

16 SIR MICHAEL WRIGHT: Can we let the witness go for a break?

17 MR HOUGH: Absolutely, yes.

18 SIR MICHAEL WRIGHT: Off you go. Ten minutes.

19 (In the absence of the witness)

20 Discussion re: timetabling

21 SIR MICHAEL WRIGHT: Yes.

22 MR HOUGH: Sir, we have had some responses to our request
23 for indications as to which officers might be -- some
24 responses, not from everybody -- capable of being either
25 read or abandoned from the two firearms teams.

1 SIR MICHAEL WRIGHT: Yes.

2 MR HOUGH: The possibility at the moment seems to be that
3 the following officers or at least some of them could be
4 abandoned, subject to something I will say in a moment.
5 They are C3, C6, D4, D10, William and Sam. Now, the
6 qualification is this: that if anybody wishes
7 a particular part of those witnesses' evidence to be
8 introduced, which is not of great importance but may not
9 be uncontroversial, then it could be proved by calling
10 Mr Reynolds to attest to the fact that they have said it
11 in a statement.

12 SIR MICHAEL WRIGHT: In other words to prove the making of
13 the statement rather than the --

14 MR HOUGH: Exactly. Now, sir, obviously we are receptive to
15 any suggestion that any of those witnesses does in fact
16 need to be called because they give evidence of such
17 moment that they really should be called or that -- and
18 indeed we are also receptive to suggestions that larger
19 chunks of their statements should be introduced in
20 written form.

21 SIR MICHAEL WRIGHT: Via Mr Reynolds?

22 MR HOUGH: Either via Mr Reynolds or, if truly
23 uncontroversial, under Rule 37.

24 SIR MICHAEL WRIGHT: Very well.

25 MR HOUGH: Sir, on that basis, the rest of this week is

1 looking as follows, and I just wanted everybody to mull
2 over this over the course of this afternoon: it looks as
3 though we will probably start, we may well start C5 this
4 afternoon, finish him tomorrow; then Ralph and Terry
5 tomorrow, with perhaps Vic in reserve. Thursday, we
6 have three civilians who may not take the whole day.

7 SIR MICHAEL WRIGHT: No, but they must be called on that
8 day.

9 MR HOUGH: They must be called, and it's probably best to
10 start them at the start of the day, even if somebody
11 else is left hanging over and they have to be interposed
12 into his evidence, so that there is no risk of them
13 being put off.

14 Then Friday we have to call Ken, and then we will
15 start on the process of calling those firearms officers
16 who can't be introduced by agreement or abandoned, and
17 they are certainly C7, C11 and D9, possibly D4.

18 SIR MICHAEL WRIGHT: Thank you very much. Well, it's
19 an improvement.

20 MR HOUGH: Obviously anything we can be told over the course
21 of this afternoon or at the end of this afternoon or by
22 email overnight would help with timetabling.

23 SIR MICHAEL WRIGHT: I am sure everybody has heard that.
24 I do encourage everybody to make use of the mechanism,
25 which of course isn't available elsewhere, that the

1 making of statements or any aspects of the statements
2 that any interested party particularly wants to lay
3 before the jury can be proved before them by the use of
4 Mr Reynolds. It will save an enormous amount of time,
5 if we don't have to labour through the whole of the
6 witness just to deal with one relatively minor point
7 which may not be the subject of total agreement. So
8 I do urge everybody to go down that route, if there are
9 any difficulties, otherwise of course we can abandon
10 them altogether.

11 There are two matters I would like to deal with.
12 One is I find myself in the somewhat unexpected
13 situation of being able to say I have a professional
14 engagement this evening, which is not something I ever
15 expected to have to say again to anybody, but I need to
16 leave by 4.30. If you could time everything on that
17 basis.

18 Mr Mansfield, this is a convenient moment to ask you
19 a question which I should have asked you before you sat
20 down, it is very remiss of me.

21 May I take it that your approach to the present
22 witness in relation -- is the same as it was to C12, in
23 other words the two questions that I asked you
24 yesterday?

25 MR MANSFIELD: It is, yes.

1 SIR MICHAEL WRIGHT: That's very helpful, thank you. After
2 all that, I think I can let you have until half past.

3 (3.21 pm)

4 (A short break)

5 (3.33 pm)

6 (In the presence of the jury)

7 SIR MICHAEL WRIGHT: Ms Leek?

8 MS LEEK: No, thank you, sir.

9 SIR MICHAEL WRIGHT: Mr Perry?

10 MR PERRY: No, thank you, sir.

11 SIR MICHAEL WRIGHT: Mr King?

12 MR KING: No, thank you, sir.

13 SIR MICHAEL WRIGHT: Mr Horwell?

14 MR HORWELL: No, thank you, sir.

15 SIR MICHAEL WRIGHT: Yes, Mr Stern.

16 Questions from MR STERN

17 MR STERN: Can I ask you one or two questions about the
18 communications, first of all.

19 So far as the Cougar radio is concerned, did you
20 believe that that was being tape recorded?

21 A. I didn't know, sir, to be honest, I am not sure.

22 Q. So far as Mr Dingemans is concerned, did you know
23 Mr Dingemans before this incident on 22 July?

24 A. No, sir.

25 Q. We have heard, although part of Ralph's evidence was put

1 to you, I think, do you remember that, by Mr Mansfield?

2 A. Yes, sir, I do.

3 Q. Whether he is right or not, we will have to hear when he
4 comes to give evidence, but we have heard that he was
5 called on and called off by telephone from Silver.

6 A. Yes, sir.

7 Q. Would you have been in contact with Silver at all by
8 telephone?

9 A. Not at all, sir, no.

10 Q. We know also that James did not know about it. Were you
11 contacted by James in any way?

12 A. No, sir.

13 Q. Can I just be clear about Mr Dingemans' evidence on his
14 vehicle and its position, because it was suggested that
15 you might like to have known that it was in the position
16 that it was. Can we just be clear, please, it's Day 25
17 on 24 October 2008, page 52, line 10 is where it begins.
18 There is some video footage shown and that's the footage
19 that we looked at just before, and he was asked by
20 Mr Mansfield at line 19 whether any of the vehicles
21 there were his:

22 "... or you can't tell?

23 "Answer: I think I would be guessing if I did, sir.
24 I mean, there is nothing in the first three or four cars
25 which wouldn't be a guess, and the rest -- I mean, it

1 could go seven back, could be a Zafira, eight ...

2 "Question: I will just let it run and if there is
3 something there that triggers your memory then we will
4 stop it; otherwise I'll leave it at that. Could we just
5 run through it?

6 "Answer: Sorry, that vehicle on the right could --
7 does look like a Vauxhall Zafira without --"

8 Then there is an interruption.

9 "... in this still we have now ... as we look at it
10 on the right, dark-coloured ... it looks like -- and
11 I am not going to pin you to it, don't worry -- but you
12 think it looks like that."

13 Right at the bottom of that page at line 24:

14 "So the best you can do is that that might have been
15 your dark car?"

16 I think that's where it ends, and over the page at
17 page 54:

18 "It does have the appearance of a Vauxhall
19 Zafira..."

20 I think that's as far as it gets.

21 Did you know that there was a Vauxhall Zafira car
22 out at all or not?

23 A. I had no idea, sir, no.

24 SIR MICHAEL WRIGHT: Just to remind you, because it came up
25 very quickly, that was Sergeant Dingemans, that

1 evidence, the S013.

2 MR STERN: Thank you, sir.

3 When you make a statement, and I don't know how
4 often you have to make statements, do you make
5 statements very often or not?

6 A. Not that often, sir, no. We do do incident report books
7 post an operation involving an arrest, though, most
8 often.

9 Q. Because we have heard that what normally happens is that
10 CO19 will carry out an armed intervention and then S013
11 or some other group will take away the person who has
12 been detained in order to keep or ensure that there is
13 no crossover of any firearms material that you may have
14 on you with the individual who has been stopped or
15 arrested; is that right?

16 A. That's right, sir, yes.

17 Q. So your statement, as it were, will be limited in usual
18 terms to just stopping the individual; is that right?

19 A. That's correct, sir, yes.

20 Q. So does it follow that you don't give evidence very
21 often either?

22 A. Hardly at all, sir.

23 Q. When you make a statement, did you include the material
24 that you thought would be relevant?

25 A. I did, sir.

- 1 Q. At that time?
- 2 A. At that time, sir, yes.
- 3 Q. Of course, it's impossible to guess what might be
4 considered relevant three years on when you are being
5 questions asked questions by somebody in a courtroom?
- 6 A. Absolutely, sir, yes.
- 7 Q. For example let me ask you, at the time you wrote your
8 statement the following day, did you know that in due
9 course identification would be an issue in this case at
10 all?
- 11 A. Absolutely not, sir, no.
- 12 Q. In your statement you describe the jacket as looking
13 bulky, or words to that effect, "bulky looking denim
14 jacket". Now, obviously, it had to look bulky in some
15 place to you?
- 16 A. Yes, sir.
- 17 Q. You have told us today where it was that you thought it
18 looked bulky?
- 19 A. Yes, sir.
- 20 Q. Was that right, in your very quick view of the jacket as
21 you saw it?
- 22 A. Yes, sir.
- 23 Q. Can I ask to have your statement, page 348, please, up
24 on the screen. I want to ask you about line 20, which
25 begins:

1 "Some people had left the address and eliminated
2 from the inquiry. TJ84 said anyone else leaving the
3 premises would not be allowed to run and would be
4 intercepted away from the address to avoid
5 a compromise."

6 Yes?

7 A. Yes, sir.

8 Q. Can I just ask you what you understood by that?

9 A. That persons not concerned with this enquiry had been
10 discounted, shall we say, and that anyone else leaving
11 the premises would not be allowed to run, so they would
12 not be allowed to go on for any length of time, and that
13 we should intercept them away from the address. That
14 would mean as soon as possible but not so close that we
15 would compromise the address.

16 Q. Which people was it that you thought that you would be
17 intercepting?

18 A. Positively identified suicide bombers, sir.

19 Q. Mr Mansfield described that as a massive assumption that
20 that would be the strategy from what is set out there,
21 but I wonder if we could just see what the strategy
22 actually was, and whether that was an assumption or
23 whether you got it right. Could we look, please, at
24 Callum's log, document page 349. If we look at 8.45, we
25 can see, it says:

1 "Stated intention: Any identified subject from
2 Scotia Road address ... to be detained, or to the known
3 vehicle ..."

4 But we can leave the vehicle. That is what is set
5 out in Callum's log?

6 A. Yes, sir.

7 Q. We can see at 8.50 that that "Stated intention as above"
8 was communicated to Trojan 84 who, as we know, is the
9 tactical adviser on the plot, if you like, with you?

10 A. Yes, sir.

11 Q. Can we look at what Silver said about this, please, it's
12 16 October, Day 19, page 146, line 19:

13 "Then, as you say, you then speak to Commander Dick,
14 is this right, because you are concerned about the fact
15 that you may not be able to say who's actually come out
16 of number 21 because there is a communal door?

17 "Answer: Yes.

18 "Question: It's a group of, a block of flats, you
19 know, a number of flats. Yes?

20 "Answer: On speaking to her, and I am not sure
21 whether it was her or whether it was Trojan 84, but at
22 that time, I know there is nine flats now, but at that
23 time I thought there was six initially. What I was
24 trying to explain to her was that we just wouldn't be
25 able to deal with that amount of people, and many of

1 them would have nothing to do with the address that we
2 were interested in. It became clear to me they had
3 obviously been speaking about this at New Scotland Yard,
4 and what was agreed was a, whether you call it
5 a tactical change or a strategic change, what was agreed
6 was that any identified suspects coming out of the
7 premises, they wouldn't be allowed to run, and we would
8 use CO19 to detain them as soon as it was safe to do so
9 without compromising the address."

10 I think if we just lastly look at Mr Dingemans'
11 understanding of this also at Day 25, on 24 October,
12 page 14, line 15, he is asked this question:

13 "Question: Did he tell you anything about the
14 strategy in general for the address; what kinds of
15 people would be stopped by the CO19 team and then you
16 brought in as back-up, and what kind of people you would
17 be dealing with directly?

18 "Answer: Well, we were dealing with obviously the
19 two named people, Hussain Osman and Abdi Omar, and they
20 would have been stopped by CO19, and others, persons who
21 were not identified as those two, would have been
22 stopped by us for intelligence purposes."

23 So does it seem as if, on the face of that, that the
24 strategy as you understood it to be, was understood to
25 be by others in the same way?

- 1 A. Yes, sir.
- 2 Q. Now, bearing that in mind, the words "definitely our
3 man", and I am not going to go over the issues that have
4 been raised by Mr Gibbs about this, but I want to ask
5 you this: did that have any relevance to you, what was
6 the relevance of hearing "definitely our man"?
- 7 A. It's not an identification, sir, but it caused me to
8 anticipate that we would likely be asked to intercept or
9 told to intercept in the near future and that's what it
10 meant to me at that time.
- 11 Q. All it does is heighten your anticipation that you may
12 be called on?
- 13 A. That's correct, sir, yes.
- 14 Q. Page 349 in your statement, please, at line 20, is the
15 sentence:
- 16 "Stop him from getting on the tube, he must not get
17 on to the tube."
- 18 Now, Trojan 84 told us that he said, "They want him
19 stopped". That's what he said over the radio. Do you
20 remember that?
- 21 A. How I remember, sir, is exactly how it's written in that
22 statement.
- 23 Q. All right. Now, a number of witnesses have also told us
24 that you should trust the information coming from the
25 DSO; is that something that you remember?

- 1 A. Yes, sir.
- 2 Q. One thing you have not told us about in relation to that
3 sentence spoken by Trojan 84 about the order to stop him
4 getting on the tube is the tone of the voice in which it
5 was given. Could you help us with that? Was there
6 an urgency in the voice?
- 7 A. Yes, sir, definitely a sense of urgency. Yes,
8 definitely, sir.
- 9 Q. Again, is it possible to give any sort of level of
10 urgency?
- 11 A. Very urgent, sir. I believe that this identified
12 subject, he was now into the tube system, and it was
13 urgent because there was a delay, we were a long way
14 behind him.
- 15 Q. We know because you have told us that you did not see
16 what C12 did on the tube?
- 17 A. No, sir, I did not see what he was doing.
- 18 Q. You didn't hear what he said?
- 19 A. No, sir.
- 20 Q. As I understand it, you are not saying he didn't say
21 anything; you heard shouts but you don't know what was
22 said or who it was specifically who was saying them?
- 23 A. That's right, sir.
- 24 Q. Does that surprise you, that you are not aware of what
25 C12 was doing?

- 1 A. Not at all, sir, I was focused entirely on the threat.
2 I thought I was about to die. I suppose I had what you
3 would call tunnel vision, sir, and I was focused
4 entirely on what I was doing and what the subject was
5 doing.
- 6 Q. That's what I wanted to ask you. Focusing on what?
7 What did you have your tunnel vision on?
- 8 A. The threat, sir, the subject.
- 9 Q. Does it follow that your actions were not based on any
10 communication or act of C12's?
- 11 A. Absolutely not, sir, no. It was entirely my own
12 actions, I couldn't see what C12 was doing.
- 13 Q. When you carry out a threat assessment, is that
14 a continuous assessment or is it just an assessment that
15 you make and then you don't move from that?
- 16 A. It's continuous, sir.
- 17 Q. Of course, as my learned friend Mr Gibbs has graphically
18 pointed out, we are analysing this many years on, in
19 a -- I won't say a courtroom, but in a court setting,
20 and of course it's very easy in that sort of setting,
21 years on, not to fully understand the way in which you
22 felt at that particular time in carrying out that threat
23 assessment.
- 24 A. Absolutely, sir, yes.
- 25 Q. I would like you, if you could, please, to bring it

- 1 alive to us, please, just the very situation that you
2 faced as you have told us fearing that you were going to
3 die?
- 4 A. I thought, sir, that I was about to die. That also
5 applied to the public and the police officers that were
6 present. Faced with that belief, I would be negligent
7 if I didn't act on that. I really believed it.
- 8 Q. Did you assess the threat of this individual from the
9 fact that he had been identified as a suicide bomber
10 from the day before?
- 11 A. That was part of it, yes, sir.
- 12 Q. Were there other factors that you took into account when
13 you actually got down on to the tube?
- 14 A. Yes, sir.
- 15 Q. We know because we have seen in the foyer that you
16 didn't actually have your gun unholstered at that time?
- 17 A. That is correct, sir.
- 18 Q. But you got down to the tube and at that stage, in
19 reality, were you frightened?
- 20 A. Of course I was, sir, yes.
- 21 Q. Were you nervous?
- 22 A. Yes, sir.
- 23 Q. Were you affected by what you saw him do?
- 24 A. Yes, sir.
- 25 Q. Did you make a split-second decision?

- 1 A. I did, sir.
- 2 Q. Did you make that decision honestly believing that he
3 was a threat both to your life and the lives of everyone
4 on that carriage?
- 5 A. Absolutely, sir, and if I had any doubt whatsoever, then
6 believe me, I would not have fired.
- 7 Q. I was going to ask you that. Is there any question of
8 you firing on somebody who would not -- who you would
9 not have perceived at that level of threat?
- 10 A. Absolutely not, sir, I wouldn't do that.
- 11 Q. You have been a specialist firearms officer for
12 17 years?
- 13 A. Yes, sir.
- 14 Q. Prior to this day, on 22 July, you had not fired your
15 gun at a suspect?
- 16 A. No, sir, I had not.
- 17 Q. Can I ask you this question that I asked C12: is public
18 safety one of the most important issues that you are
19 concerned with in your public duty as a specialist
20 firearms officer?
- 21 A. Absolutely, sir, that is our primary role.
- 22 Q. You told us that you thought that on that day you might
23 not go home?
- 24 A. That's true, sir, yes.
- 25 Q. You have, I think, mentioned that you are a father; you

1 are married with two children and I do not want to ask
2 any more details because obviously that may lead to your
3 identification.

4 A. Yes, sir, that is true.

5 Q. But that is the position, is it not?

6 A. Yes, sir.

7 Q. Did you genuinely think on that day that you might not
8 go home?

9 A. I did, sir, yes.

10 Q. Was it those thoughts that led you to shoot this man?

11 A. Yes, sir.

12 MR STERN: Thank you.

13 SIR MICHAEL WRIGHT: Thank you. Mr Hilliard?

14 Further questions from MR HILLIARD

15 MR HILLIARD: When you made your statement the next day, you
16 have told us, I think, you knew that an innocent person,
17 so someone who was not one of the suspects had been
18 shot?

19 A. Yes, sir, that's true.

20 Q. That it wasn't Hussain Osman at all; correct?

21 A. That's correct, sir, yes.

22 Q. Presumably you realised, did you, when you learned that,
23 that the circumstances in which that wrong
24 identification had been made would obviously come under
25 very close scrutiny?

1 A. Yes, sir.

2 Q. The last thing is this: "definitely our man", do you
3 remember just describing to us hearing those words --

4 A. Yes, sir.

5 Q. -- on the day. You have told us what you took from
6 them, namely that you thought that you were likely to be
7 called on to make an intervention?

8 A. Yes, sir.

9 Q. But is this right, that on the face of it, just aside
10 from what you took from it, that that was somebody
11 apparently, is this right, making an identification of
12 the man on the bus as being one of the suspects?

13 A. Yes, sir.

14 MR HILLIARD: That's all I ask.

15 Questions from THE CORONER

16 SIR MICHAEL WRIGHT: I have one question for you from the
17 jury.

18 I think you did tell Mr Hilliard when you first came
19 to give evidence that you had been instructed about the
20 possible effects of perceptual distortion in conditions
21 of high speed events and high stress?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: I'll give you the question and you must
24 deal with it as you can: do you think you might have
25 suffered from distortion of that kind in perceiving that

1 the jacket that Mr de Menezes was wearing was a bulky
2 one? If you can't answer the question, please say so.

3 A. I accept that's a possibility, but I did believe that at
4 the time, sir.

5 SIR MICHAEL WRIGHT: That you did not think so, believe it
6 at the time?

7 A. I believed that the jacket was bulky, sir, but
8 I understand what you say and I accept that.

9 SIR MICHAEL WRIGHT: Thank you.

10 Thank you very much indeed. You may stand down.

11 A. Thank you, sir.

12 (The witness withdrew)

13 MR HOUGH: Sir, the next witness is Charlie 5.

14 SIR MICHAEL WRIGHT: Thank you.

15 CODENAME "C5" (sworn)

16 SIR MICHAEL WRIGHT: Yes, thank you, please sit down.

17 Questions from MR HOUGH

18 MR HOUGH: I think you are being known as Charlie 5 for the
19 purposes of these proceedings?

20 A. Yes, sir.

21 Q. I will be asking questions first on behalf of the
22 Coroner, and then you will be asked questions by others.

23 In 2005 were you an officer in C019 and a specialist
24 firearms officer in that branch?

25 A. Yes, sir, I was.

- 1 Q. Were you a member of the black team which was involved
2 in the incidents at Stockwell tube station on 22 July?
- 3 A. Yes, I was, sir.
- 4 Q. In terms of your experience, have you been in the police
5 service for 26 years, or I think you had at the time?
- 6 A. I had at the time, yes.
- 7 Q. So now approaching 30 years?
- 8 A. Yes.
- 9 Q. Over 15 of those years in the firearms unit?
- 10 A. Yes, at the time.
- 11 Q. I think you made a witness statement about the events on
12 the 22nd and you made that statement on the day after?
- 13 A. Yes.
- 14 Q. If you have that witness statement to hand, it may help
15 you and there is no problem about referring to it.
- 16 A. Thank you.
- 17 Q. I think you were also interviewed by the IPCC in
18 November of 2005; is that right?
- 19 A. Yes, that's correct.
- 20 Q. Is this right, on legal advice you said that you didn't
21 have anything to add to the statement that you had
22 already provided to them?
- 23 A. Yes.
- 24 Q. On 22 July, I think you were the driver of what we have
25 heard referred to as the Alpha car?

- 1 A. Yes, that's correct.
- 2 Q. You were in that car on that day with Charlie 2, the
3 witness we have just heard from, and Charlie 6?
- 4 A. Yes.
- 5 Q. Is this right, that you were due to parade for duty that
6 day at 7.00 am at your base at Leman Street?
- 7 A. Yes, that's correct.
- 8 Q. We have heard that a number of officers arrived rather
9 before that time and were given instructions about which
10 cars they were to be grouped in?
- 11 A. Yes.
- 12 Q. We have also heard from others that a briefing was given
13 at Leman Street between 7.45 and around 8.10 by the
14 senior tactical firearms adviser, Trojan 84?
- 15 A. Yes.
- 16 Q. You were there for that briefing?
- 17 A. I was there for that, yes.
- 18 Q. In the course of that briefing, we have heard about many
19 of the things that it involved, were you told anything
20 about the tactics which you and your team would be
21 required to employ?
- 22 A. Yes, I was given a, well, a brief outline of the
23 operation. I was told that we would be working for the
24 anti-terrorist department, S013, and the word "unusual
25 tactics" was mentioned during that briefing.

- 1 Q. What did you take that phrase to mean?
- 2 A. Well, it could only mean one thing, that we may be
3 called upon to use tactics involving possibly critical
4 shots.
- 5 Q. Were you told anything either in that context or
6 generally about the intelligence you would receive from
7 the control room at New Scotland Yard?
- 8 A. That we should trust the information given to us by the
9 control at the Yard, yes.
- 10 Q. Did that contain any special meaning?
- 11 A. I understood it to mean that we wouldn't be appraised
12 all the time of the situation as it developed, but that
13 we would be told what we needed to know at the time, and
14 to trust that information that would come to them from
15 various sources.
- 16 Q. Is this right, that you and your colleagues went to
17 Nightingale Lane for your main briefing?
- 18 A. Yes, that's correct, sir.
- 19 Q. We have heard that that briefing was given between 8.45
20 and 9.15 am by primarily DCI Purser?
- 21 A. Yes.
- 22 Q. We have also heard that that briefing covered
23 21 Scotia Road, the address?
- 24 A. Yes, that's correct.
- 25 Q. The two suspects who were associated with that address,

- 1 Osman and Omar?
- 2 A. Yes, that's correct.
- 3 Q. Were you told anything about whether they were expected
4 to be in the address or that they were simply linked
5 with it?
- 6 A. I can recall that they were linked with the address in
7 Scotia Road, by some sort of gym card, membership card.
- 8 Q. Yes, we have heard about the process that led to that
9 association. Were you also told in some detail by
10 DCI Purser about the explosives used on the 7th and
11 21stst July and the effects of those explosives?
- 12 A. Yes, I was. I was told regarding the make-up and type
13 of bombs used on both 7 and 21 July, and other explosive
14 devices found at addresses connected to the bombers.
15 I recall -- my notes are compressed for what the
16 briefing was but there was other things mentioned, HMTD,
17 I won't try to pronounce the words.
- 18 Q. We have heard more of the technical information.
- 19 A. I am aware that it was a peroxide-based volatile
20 explosive, but that's ... I can recall about that.
- 21 Q. Were the suspects also, and again I'm looking at the
22 second page of your statement, described as "well
23 prepared, deadly and determined"?
- 24 A. Yes, they were.
- 25 Q. Also in this briefing did Trojan 84 say anything about

1 the strategy that was being followed in relation to this
2 address, 21 Scotia Road?

3 A. Yes, he told us that anybody leaving the premises in
4 Scotia Road would not be included to run and would be
5 intercepted away from the premises if possible so as not
6 to compromise the premises. I believe he mentioned that
7 the bus routes outside had been suspended as well.

8 Q. Going back to the first part of what you said, you said
9 anybody leaving the premises would not be allowed to
10 run?

11 A. Yes.

12 Q. Did he give any indication as to what kinds of people
13 you and your team might be required to deal with?

14 A. Yes. I understood that there was an S013 arrest car
15 that would deal with anybody that wasn't identified, and
16 anyone that was identified, S019 would be dealing with.

17 Q. So is this right, you understood from the briefing that
18 your team would only be brought in if people had been
19 identified as suspects?

20 A. Yes. Yes.

21 Q. Then you have told us about being told that the bus
22 routes had been suspended, and were you at the end of
23 that briefing given the statutory warnings about the use
24 of force by your Silver Commander?

25 A. Yes, we were.

- 1 Q. That briefing, we have heard, ended about 9.15. Did you
2 then go forward towards the plot?
- 3 A. Yes. Very, very quickly after the briefing we left. We
4 travelled to the TA Centre at Tulse Hill.
- 5 Q. I think you were the first car to head down there?
- 6 A. Yes, we were.
- 7 Q. Was that for the purpose of a recce?
- 8 A. We were going to assess the suitability as a holding
9 area for the 19 assets, yes.
- 10 Q. Had the TA Centre been identified as a possible holding
11 area before you left?
- 12 A. Yes.
- 13 Q. Now, the other SFO cars we have heard came along behind
14 you, not in a convoy but spaced out?
- 15 A. That's correct, yes.
- 16 Q. I think you arrived at the TA Centre before you began to
17 hear anything about the surveillance of the man we are
18 interested in?
- 19 A. Yes.
- 20 Q. How long had you been there, do you think, before you
21 began to hear that surveillance?
- 22 A. There was general surveillance speak over the radios,
23 which confirmed to me that obviously we could receive
24 communications from them, which is always comforting to
25 know on these operations. It was probably only a matter

1 of between, I don't know, eight to ten minutes before
2 I think we heard things that made sort of my ears prick
3 up and listen more intently to the radio communications.
4 That was a description and ...

5 Q. Just before we get to this coming through, had some
6 other SFO cars arrived at the TA Centre by the time that
7 this information came through?

8 A. Yes, they had, and I can remember, I believe it was the
9 Charlie car had arrived and was parked behind us at the
10 back of the TA Centre. I vaguely recollect the rifle
11 vehicle arriving around this time, and certainly I was
12 aware, although I couldn't see from where I was, that
13 the control vehicle arrived at and around this time as
14 well, within a ten-minute period of us arriving.

15 Q. Now, we know that the man who was kept under
16 surveillance that morning and who was Mr de Menezes came
17 out of Scotia Road at about 9.34. Did you become aware
18 first about him over the Cougar radio?

19 A. Yes, I have got in my statement that I became aware that
20 surveillance officers had followed a subject from
21 21 Scotia Road and that he was a good likeness for
22 a subject, and I have made a mistake in my notes, as I'm
23 aware other people have, that when I wrote my notes
24 I have put Omar, but it's a genuine mistake, it was in
25 fact Osman; and I think the codenames were used by the

1 surveillance at the time and it's a genuine mistake with
2 the name, because I know certainly that Osman was the
3 lighter skinned of the two and that came out in the
4 description, so that's, as I say, a mistake on my part.

5 Q. We have heard from Charlie 2 that that's a mistake that
6 he made. You were in the same car as him?

7 A. Yes.

8 Q. Is that a coincidence or could it have been something
9 you were talking about?

10 A. I really can't remember. It may well have been
11 something that was mentioned, but we have, you know ...

12 Q. Were you given a description of the man who was kept
13 under surveillance shortly after you heard about him?

14 A. Yes. Light-skinned North African appearance, 5-foot 10,
15 he was stocky, stubble, wearing a denim jacket, blue
16 jeans.

17 Q. By the time that you heard about him, had he already got
18 on to the bus or was he on his way to the bus?

19 A. It was, well, I can't remember, to be precise.

20 Q. Did you continue to listen to the Cougar radio system to
21 keep tabs on how the surveillance follow was going?

22 A. Yes, I kept a weather ear to the radio comms that we
23 could hear. As has been mentioned, the Cougar system,
24 if people were transmitting from body sets, sometimes it
25 would have to be relayed. The strength of signals do

1 vary between body sets and the relay, and it's hard for
2 us to tell which is the relay and which is the original
3 officer giving it in the first instance.

4 Q. Before you hear about him that first time and those
5 first descriptions of him, rather between that point and
6 when you received some instruction, what more did you
7 hear over the Cougar about this man?

8 A. He was followed on to a number 2 bus, bound for
9 Marble Arch and we were told the index of the bus.

10 Q. Anything about him getting off the bus and getting back
11 on again at Brixton?

12 A. That, in my recollection, that was slightly later, after
13 we had actually been told to get behind the
14 surveillance.

15 Q. Okay. Before you received your instructions, did you
16 hear anything over the Cougar or through any other means
17 about this man having been discounted, having been
18 positively ruled out as a suspect?

19 A. I can't recollect those precise words but there was
20 a lot of surveillance chit chat going on, and really
21 I started paying attention when I got words like "good
22 likeness for the subject", and I tried to pay attention
23 to those communications more so than ones when -- prior
24 to that.

25 Q. Now, you have stated you got some instructions; who did

- 1 they come from and what were they?
- 2 A. Well, Trojan 84 gave instructions for us to get behind
3 the bus. By that, I understood him to mean get behind
4 the surveillance on the bus.
- 5 Q. Did you have an idea where the bus was at the point you
6 got those instructions?
- 7 A. Yes, it was moving towards the bottom of Tulse Hill
8 nearing Brixton High Street.
- 9 Q. How soon after getting the instructions did you set off?
- 10 A. As soon as we got them, then we begin to move off.
- 11 Q. By that time how many cars did you have at the
12 TA Centre?
- 13 A. There was at least, at least four cars.
- 14 Q. Is this right, that you formed up in convoy with the
15 control car at the back of that convoy and your car at
16 the front?
- 17 A. That's correct, yes.
- 18 Q. You were driving the car?
- 19 A. I was driving the lead car, yes.
- 20 Q. While you drove, and we know that you drove down
21 Tulse Hill and then on to Brixton High Street and up to
22 Stockwell Road that way, while you were driving, were
23 you then listening to the commentary on the Cougar?
- 24 A. As best I could, yes. Yes, sir.
- 25 Q. Over the course of your journey, what was being said by

1 the surveillance officers?

2 A. Well, if I could try and explain, inside our car at the
3 time we had various radios switched on. There was
4 information coming in from those. There was phone
5 calls, I can't be precise when they were or who they
6 were with, but driving as well and concentrating on
7 getting the team down to the vicinity of the
8 surveillance with, I believe we -- the first part of the
9 journey we had two-tone blue lights to make up some
10 ground, and relying on people in the car to actually
11 relay to me as well what was happening. So it was that
12 sort of scene, if I have made myself understood.

13 Q. Yes.

14 SIR MICHAEL WRIGHT: You don't necessarily have that much
15 opportunity to concentrate on the radio.

16 A. No, sir.

17 SIR MICHAEL WRIGHT: Not in London, anyway.

18 A. No. During the follow, and I have written down in my
19 notes I was led to believe that the subject was one of
20 the men mentioned in the briefing earlier, that he was
21 one of the failed suicide bombers from the day before,
22 and that was from these sources which I have just
23 mentioned.

24 MR HOUGH: Is this right, that you can't say from which of
25 those sources you got that impression?

- 1 A. No, sir. I can only remember snapshots of messages from
2 various sources.
- 3 Q. So it could be from the Cougar?
- 4 A. Yes.
- 5 Q. Could be from reported speech over a telephone call made
6 to somebody else in the car?
- 7 A. Yes.
- 8 Q. Or it could be over the back-to-back radio?
- 9 A. The only positive bit of thing I have written in my
10 statement, sorry, bit of commentary I have written in my
11 statement was that the subject was acting strangely and
12 the word "twitchy" was used, and I remember that
13 particular word because it's an unusual word to hear
14 over the Cougar.
- 15 Q. That was over the Cougar?
- 16 A. I believe so, yes. That stuck in my mind and I have
17 actually written it in my notes as being said. So ...
18 that's my recollection.
- 19 SIR MICHAEL WRIGHT: While we are on this topic, do you have
20 any observation about the performance of the Cougar
21 radio system?
- 22 A. It had been used for --
- 23 SIR MICHAEL WRIGHT: Don't hesitate.
- 24 A. It had been in use for several years and it was
25 effective when, in the right circumstances, sir, but it

1 had -- unfortunately it could be affected by weather,
2 buildings, tall buildings, if the signal's boosted by
3 a vehicle or a separate aerial that we could use,
4 a large aerial that would go on the roof mounted. Some
5 of the handsets were better than the body sets that we
6 would wear, covert body sets. So it depended on a whole
7 number of things.

8 SIR MICHAEL WRIGHT: Factors. Would you describe it as
9 variable?

10 A. I would, sir, that's a very good description.

11 MR HOUGH: We have heard from your colleague in the same
12 car, Charlie 2, certainly towards the latter part of
13 this journey, communications over the Cougar were pretty
14 good. Is that your recollection or do you --

15 A. From what I could hear, sir, I mean, all things
16 considered and concentrating on driving, yes.

17 SIR MICHAEL WRIGHT: I was asking you the question about
18 your general experience of it, as you appreciate.

19 A. Oh yes, sir.

20 SIR MICHAEL WRIGHT: While we are doing a review of radios,
21 what about the 75 back-to-back system?

22 A. Again, short range, if we could keep the convoys tight,
23 then we generally had good signals. When they became
24 stretched, they would become random.

25 SIR MICHAEL WRIGHT: So it was a short range system?

- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: Thank you.
- 3 MR HOUGH: That presumably is one of the reasons why you
- 4 have the cars grouped together in a convoy when you are
- 5 actually going to deploy?
- 6 A. It is one of them, yes, sir.
- 7 SIR MICHAEL WRIGHT: It's also so you can see each other, I
- 8 suppose?
- 9 A. Yes.
- 10 MR HOUGH: We have heard and actually seen that as you
- 11 approached the top end of Stockwell Road near the tube
- 12 station, there was traffic ahead at the lights?
- 13 A. Yes, it was very congested.
- 14 Q. By that stage were you aware that the bus was ahead of
- 15 you, around the area of the junction?
- 16 A. Yes.
- 17 Q. While you were held in that traffic, did you hear any
- 18 further commentary over the Cougar?
- 19 A. I heard commentary that the subject had left the bus and
- 20 was walking towards the tube.
- 21 Q. At that stage, had you received any further instructions
- 22 about what you and your colleagues were to do?
- 23 A. No.
- 24 Q. So at that stage were you at state green?
- 25 A. We were still at state green, yes.

- 1 Q. Did you receive any further information or instructions
2 before you passed through the junction?
- 3 A. The fact that the subject had entered the tube station,
4 in my notes I have written that I moved across the
5 junction and stopped in Binfield Road, and I know that
6 we wouldn't have crossed that junction had he not have
7 gone into the tube station, if we weren't called on, if
8 we hadn't got state amber or --
- 9 Q. So you would have been regulating the speed of your
10 approach to ensure that you weren't too close?
- 11 A. In the traffic, yes, in the queue of traffic, yes.
- 12 Q. But in fact the traffic neatly held you up at least for
13 a period of time?
- 14 A. Yes, sir, it did.
- 15 Q. We have seen how you drove out, we are not going to show
16 it again, to get a little bit ahead in the traffic, but
17 we have heard that at that stage you had not got to
18 state red and you were just trying to get a little bit
19 further ahead?
- 20 A. Yes, sir.
- 21 Q. After that, as you say, you drive across the junction
22 and you park in Binfield Road?
- 23 A. Yes.
- 24 Q. What did Charlie 2 do at that stage?
- 25 A. Well, we were anticipating that something was going to

1 happen, and heard over the radio from Trojan 84
2 a message and I have written it as, as I recall it,
3 "They say he must not get on the tube, stop him getting
4 on the tube".

5 Q. "they say he must"?

6 A. "they say" is how I recall it.

7 Q. That was over the back-to-back radio, I think?

8 A. It was over the back-to-back radio, yes.

9 Q. You are the driver?

10 A. Yes.

11 Q. What do your passengers do, first of all?

12 A. Well, I was -- they obviously could exit the vehicles --
13 the vehicle quicker than I could, having responsibility
14 for what the vehicle contained, that was obviously some
15 weapons that weren't required, and so it was a matter of
16 securing the vehicle.

17 Q. You can't leave an unlocked car full of guns?

18 A. No, sir, not in Stockwell.

19 SIR MICHAEL WRIGHT: Or most places.

20 A. Absolutely correct, sir.

21 SIR MICHAEL WRIGHT: I think you may have resolved a problem
22 I was having. If your recollection is right, and what
23 Trojan 84 actually said was "they say", that makes it
24 all much easier because "they" must presumably have been
25 1600.

1 A. I believe so, sir, yes.

2 SIR MICHAEL WRIGHT: That's the only people it could have
3 been.

4 A. Yes.

5 MR HOUGH: By the time that your colleagues got out of the
6 car, had state red been called?

7 A. Well, we had the advantage on the other cars in the
8 convoy in the fact that we were stopped before they were
9 behind us and probably still stopping, so we were
10 deploying and certainly this command over the radio,
11 "Stop him getting on the train", was a sense of urgency.
12 It was delivered, it was a very important command, and
13 we started deploying from the car, and that's probably
14 why I haven't mentioned the fact that state red was put
15 over the radio. I would have expected it to be put over
16 the radio.

17 Q. Did you in fact hear it?

18 A. I didn't hear it, but my mind, sir, was concentrating on
19 what I may -- what may be happening.

20 Q. Did you after securing the car run into the tube
21 station?

22 A. I did, sir, yes.

23 SIR MICHAEL WRIGHT: Do you have to -- I guess you would,
24 because your colleagues had left their carbines behind,
25 you would have to conceal them in some way, wouldn't

- 1 you, otherwise the windows would have gone in?
- 2 A. That's quite possible, sir. I was aware of other cars
- 3 approaching, and in a selfish way I would think maybe
- 4 one person or someone from those vehicles would remain
- 5 with the vehicles ideally --
- 6 SIR MICHAEL WRIGHT: Act as a guard.
- 7 A. In an ideal world, sir, yes.
- 8 SIR MICHAEL WRIGHT: But you locked the car up?
- 9 A. I locked my car.
- 10 SIR MICHAEL WRIGHT: Then went into the station.
- 11 A. I actually had problems locking it, and I had to
- 12 return -- after leaving about 5 or 10 feet I had to
- 13 return because it wouldn't lock on the key fob, and I
- 14 had to go back and manually lock it.
- 15 MR HOUGH: Now, we have seen CCTV footage, and I won't take
- 16 time by showing it again, but it shows you running in
- 17 behind several other officers, shows you certainly on
- 18 the footage not wearing your high visibility cap; is
- 19 that right?
- 20 A. No, sir, that's correct.
- 21 Q. What weapons did you have as you entered the tube
- 22 station?
- 23 A. I would have had my personal issue pistol.
- 24 Q. Your Glock?
- 25 A. Which was on my belt. Yes.

1 Q. Did you have that drawn as you entered the tube station?

2 A. No, sir. I made a conscious effort not to wear my cap
3 as I entered to keep my options open.

4 SIR MICHAEL WRIGHT: You mean remaining covert?

5 A. Absolutely, sir, yes. And I didn't draw my pistol at
6 that stage either.

7 MR HOUGH: Where did you draw it?

8 A. My recollection is I drew it on the escalator on the way
9 down. I can't really remember the exact mindset. Going
10 down the tube, there was lots of, a thousand and one
11 things going through my mind at the time, and I drew my
12 pistol so it was one less thing I had to think about.
13 However, I remember not wanting to frighten members of
14 the public, and I concealed it behind my leg on the way
15 down.

16 Q. Did you say or shout anything on the way down the
17 escalators?

18 A. I was aware of members of the public on their way down
19 to what potentially could be a disaster, going down the
20 tube, and although one side of me, I wanted to remain
21 covert, and the other side I was thinking these people
22 are going down to danger, I have to warn them to get
23 back, so I was saying, "Leave the tube, get out the
24 tube, armed" -- you know, I don't know if I used the
25 word "armed police", but I was shouting for them to

1 leave, go back, you know, and I think some of them did
2 listen and grasped the situation.

3 Q. We have seen something of the scene on the escalators.

4 A. Yes.

5 Q. At the bottom of the escalators, I think you went to the
6 left, towards the platform on the left, the northbound
7 Northern Line platform?

8 A. Yes, I ran down the stairs to the bottom of the
9 escalator, moved about 10 yards and turned left towards
10 platform 2 northbound. Now, I believe that someone has
11 indicated to me that that's where I should go, because
12 I can't think of why I would do that without anybody
13 indicating, and I haven't written in my statement and
14 I can't recall, but I would imagine that that's what
15 happened because why else would I go on that platform
16 train.

17 Q. The other possibility is that you have seen others in
18 front of you and you were following them.

19 A. That is possible, yes.

20 Q. Now, could we have a look at a photograph that's been
21 shown to other firearms officers, tab 31 of the jury
22 bundle. This is a view of the two alleyway approaches
23 from the main lower concourse at the tube station
24 towards the platform with the train stopped in the
25 position it was in when you arrived.

- 1 A. Yes.
- 2 Q. You can see some doors through the first alleyway. If
3 we move to the next tab, you can see a close-up of those
4 doors.
- 5 A. Yes.
- 6 Q. Where did you go when you moved towards the platform?
- 7 A. I remember the sense of urgency that -- I use the tube
8 system quite frequently, and that to me says there is
9 a train in the platform that's going to pull out soon,
10 and I had this vision in my mind that if I don't get on
11 that train, something terrible could happen and I will
12 be left on the platform and there would be or possibly
13 be an explosion in the tunnel further up. And I didn't
14 want that to happen. I moved on to the train, on to
15 that carriage via the small door to the left. You can't
16 see it in the picture but it was the furthest end of the
17 door.
- 18 Q. Perhaps we can put up tab 35. The doors that we were
19 just looking at are the ones to the left of Mr Whitby;
20 do you see him? Mark Whitby?
- 21 A. Yes. I would have got on the door to the left of
22 Davina Watson.
- 23 Q. What did you do after entering?
- 24 SIR MICHAEL WRIGHT: That's the single door?
- 25 A. The single door, yes. I -- that carriage was the most

- 1 likeliest carriage that the subject would have got on
2 and I didn't see any surveillance officers indicating
3 that that was the carriage, but to me it made sense that
4 that was the likeliest place that a person who had come
5 down would have got on. And I chose the small door
6 because if I had got through the double doors in front
7 of me, possibly would have had the subject behind me,
8 and I wanted to clear the carriage from end to end and
9 that was my logic for getting on the small door.
- 10 MR HOUGH: Where do you go?
- 11 A. I started to progress my way up the carriage, and
12 I would like to say at this stage that the carriage
13 seemed a lot more crowded than the diagram here, and
14 I was aware of --
- 15 Q. Can I just help you with that. This is just identifying
16 a certain number of people whose positions can be
17 identified with certainty; it's not intended to show
18 absolutely everybody who was in the carriage.
- 19 A. Thank you. I just recollect that most of the seating
20 was taken and there was people standing as well, as you
21 would expect at that time of the day.
- 22 Q. So how good was your view down the carriage?
- 23 A. It was obstructed.
- 24 Q. Did anything happen or did you communicate with anybody
25 as you made your way down?

1 A. Well, I was in quite a heightened state of
2 concentration, looking at people's faces, clothing,
3 trying to establish where the subject was in that
4 carriage.

5 Q. Just to help us, is this based on the information you
6 had had about his description over the Cougar earlier?

7 A. Yes, entirely.

8 Q. Because you had not seen any photographs of him?

9 A. I had seen photographs at the briefing.

10 Q. But you didn't have one with you?

11 A. I did not have a photograph with me, no.

12 Q. Okay, go on, please.

13 A. I made my way through the carriage, scanning people and
14 I think as I moved through the area of the first set of
15 double doors, I was aware of someone tugging my clothing
16 or basically prodding me, and I assume this was
17 a surveillance officer or basically pushing me further
18 down the carriage, which confirmed in my mind that I was
19 on the right carriage. I didn't speak to the person.

20 MR HOUGH: It's probably best to pause there, before we get
21 to any part of the next descriptive passage.

22 SIR MICHAEL WRIGHT: If that's all right. I am sorry about
23 this, Charlie 5, but for various reasons we can't go
24 past 4.30. As Mr Hough says, this next stage we want to
25 take quite slowly and in detail. So 10 o'clock

1 tomorrow, please, ladies and gentlemen.

2 (4.32 pm)

3 (The court adjourned until 10.00 am on
4 Wednesday, 29 October 2008)

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